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RT HONBLE JOHN WYNNE.
HASLEWOOD.

THE
ROMAN HISTORY,
FROM THE
BUILDING OF ROME
TO THE
RUIN OF THE COMMONWEALTH.

ILLUSTRATED WITH MAPS.

—◆—
BY NATH. HOOKE, Esq.
—◆—

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CAREFULLY CORRECTED BY THE

REV. J. R. PITMAN, M. A.

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ROMAN HISTORY,

BUILDING OF ROME

BOOK III

RUIN OF THE COMMONWEALTH

BY NATH HOOKE, Esq.

It was in the year of Rome 505, the republic began
the decline and dissolution, on occasion of the year
law proposed by the tribune Laetius, who was
a native of Rome, and a member of the senate.

THE GREAT CORRUPTION, CORRECTED BY THE EDITOR, REV. J. R. PITMAN, M.A.

VOL IV

THE HISTORY OF THE ROMAN REPUBLIC, FROM THE
FALL OF THE MONARCHY, TO THE ESTABLISHMENT OF THE
EMPIRE, UNDER THE REIGN OF AUGUSTUS.

THE HISTORY OF THE ROMAN EMPIRE, FROM THE
FALL OF THE REPUBLIC, TO THE DEATH OF THEodosius the Great.

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THE
ROMAN HISTORY.

BOOK VII.

FROM THE DEATH OF THE YOUNGER GRACCHUS, IN THE YEAR OF ROME 632, WHEN, REAL LIBERTY EXPIRING, THE FORM ONLY OF THE OLD CONSTITUTION REMAINED, TO THE DICTATORSHIP OF SYLLA, IN 671, WHO CHANGED THE VERY FORM OF THAT CONSTITUTION.

INTRODUCTION.

WHEN, in the year of Rome 386, the contest between the patricians and plebeians, on occasion of the new laws preferred by the tribune Licinius, was come to such a degree of heat, as to threaten a sudden flame of civil war; the great Camillus, being then dictator, turned himself towards the capitol, and, having prayed the gods to put an end to the commotion, made a vow to build a temple to Concord, if union might be restored among his fellow-citizens. To his devotion he added his best endeavours to re-establish tranquillity, not by a bloody exercise of his dictatorial power, but by exhorting the furious disputants to mutual concessions. His persuasions proved effectual: the patricians suffered the new laws in favour of the plebeians to take place; the plebeians consented to the creation of a new magistracy [the prætorship] in favour of the patricians; and, by this compromise, an end was put to the fierce and dangerous conflict: and what, though already mentioned, is well worthy to be repeated, the domestic peace, thus re-

See b. 3.
c. 4. §. 7.

stored, had no considerable interruption^a for the space of 230 years, till those Licinian laws of freedom and equality, the observance of which had so long maintained the happy coalition, were outrageously violated by the nobles.^b To put a stop to this abuse, which, if not checked, must totally ruin the free constitution of Rome, was the enterprise of Tiberius Gracchus, for which he was murdered by a band of ruffian senators,

See b. 6.
c. 7.

^a In the year 466 there was a secession of the debtors and bankrupts to Mount Janiculum; but as Mr. Moyle observes, (vol. 1, p. 116.) "This is omitted by several historians in the catalogue of the Roman seditions;" and "All authors agree it was composed without bloodshed by Hortensius the dictator, and that it ended in the revival of an excellent but antiquated law. He adds, "From this tumult to the sedition of Gracchus, in the six hundred and twentieth year of the city, Rome enjoyed a profound quiet and prosperity, not interrupted by the least domestic dissensions: an example of lasting tranquillity that can be paralleled in no monarchy whatsoever. This interim of time was the most happy and most glorious period of the Roman commonwealth," &c. Ibid. c. 10.

Kenn. Ant.

^b During the regal state, and for many years after the establishment of the commonwealth, none but the patricians, that is, none but the senators and their descendants, were noble. Hence in many places of Livy, and other authors, we find *nobilitas* used for the patrician order, and so opposed to *plebs*. But in aftertimes, when the plebeians obtained access to the *curule* magistracies, they (without ceasing to be plebeian) procured, by those honours, the title of noble, and left it to their posterity: [Vid. Sig. de Jur. Civ. Rom. lib. 2. c. 20.] And these plebeian nobles were, generally speaking, united with the patrician in political views and measures.

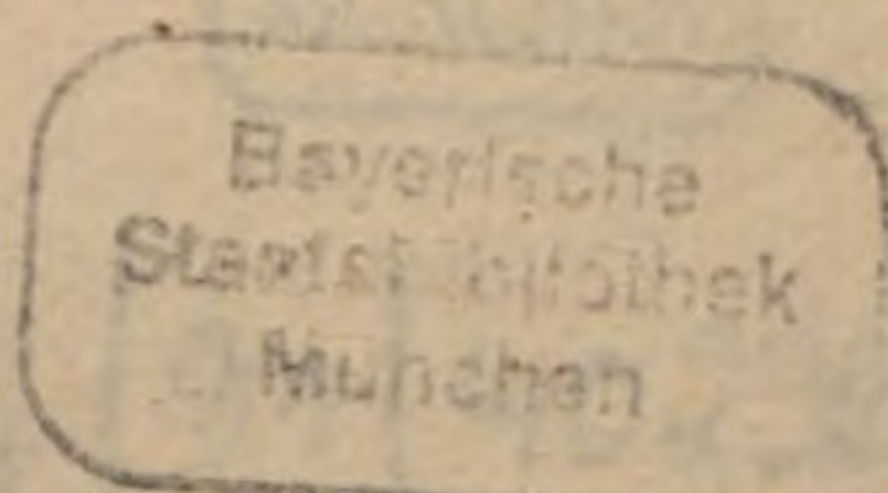
Part 2.

b. 3. c. 1.

"The common division of the people into *nobiles*, *novi*, and *ignobiles*, was taken from the right of using pictures or statues: an honour only allowed to such whose ancestors or themselves had borne some *curule* office, that is, had been *curule ædile*, censor, prætor, or consul. He that had the pictures or statues of his ancestors, was termed *nobilis*; he that had only his own, *novus*; he that had neither, *ignobilis*. So that *jus imaginis* was much the same thing among them as the right of bearing a coat of arms among us: and their *novus homo* is equivalent to our upstart gentleman."

What Mr. Kennet, in the same chapter, writes concerning another division of the Romans, the times we are entering upon make very proper to be here transcribed.

"When we find the *optimates* and the *populares* opposed in authors, it would be unreasonable to make the same distinction betwixt these parties, as Sigonius and others lay down, 'That the *populares* were those who endeavoured by their words and actions to ingratiate themselves with the multitude; and the *optimates* those who so behaved themselves in all affairs as to make their conduct approved by every good man.' This application agrees much better with the sound of the words, than with the sense of the things. For at this rate the *optimates* and the *populares* will be only other terms for the virtuous and the vicious; and it would be equally hard in such large divisions of men, to acknowledge one side to have been wholly honest, and to affirm the other to have been entirely wicked. I know that this opinion is built on the authority of Cicero: [*Duo genera semper in hac civitate fuerunt—ex quibus alteri se populares, alteri optimates et haberi et esse voluerunt. Qui ea, quæ faciebant, quæque dicebant, jucunda multitudini esse volebant, populares; qui autem ita se gerebant, ut sua consilia optimo cuique probarent, optimates habebantur.* Cic. pro. Sext. 45.] but if we look on him, not only as a prejudiced person, but as an orator too, we shall not wonder, that in distinguishing the two parties, he gave so infamous a mark to the enemies' side, and so honourable a one to his own. Otherwise the murderers of Cæsar (who were the *optimates*) must pass for men of the highest probity; and the followers of Augustus (who were of the opposite faction) must seem in general a pack of profligate knaves. It would therefore be a much more moderate judgment, to found the difference rather on policy than on morality, rather on the principles of government, than of religion and private duty."



headed by Scipio Nasica, who had neither magistracy, nor even the warrant of a special commission from the senate; though the greater part of its members approved the attempt, and assisted him in the execution. But when Caius Gracchus was to be taken off, for having renewed his brother's enterprise, the nobles, who remembered the disadvantages they brought themselves under, by acts of violence without the show of authority, and who had now a consul fit for their purpose, and wholly at their devotion, armed him with a despotic power to execute the dictates of their rage. And when Opimius, by massacres and by executions, without previous forms of process, had cut off the most active partisans of the popular cause, he had the piety (in this, without question, an emulator of the devout Camillus) to erect, in memory of his exploit, a temple to Concord, as if by the soft arts of persuasion, and by mutual concessions, the civil commotion had been quieted. The people could not behold this monument of tyrannical outrage without indignation. Under the inscription, on the frontispiece of the temple, was fixed up in the night, by an unknown hand, a line to this effect,

SENSELESS FURY BUILDS A TEMPLE TO CONCORD.^c

And, indeed, what could be more extravagant than to hope, that domestic peace and union would be the effect of such measures; or that any measures could be effectual to those ends, so long as the source of the disunion remained?

A late celebrated writer considers the government of Rome as then "brought to its perfect state, when its honours were no longer confined to particular families [the patrician], but proposed equally and indifferently to every citizen, who, by his virtue and services, either in war or in peace, could recommend himself to the notice and favour of his countrymen;" and therefore he

Dr. Middl.
Pref. to
L. of Cic.
p. 37.

^c VECORDIAE. OPVS. AEDEM. FACIT. CONCORDIAE.

See b. 3.
c: 9. Re-
marks, p.
penult. and
Hooke's
Observ. on
Rom. Sen.
p. 193.

commends the tribunes of the commons (as I have elsewhere observed) for their labouring this point, and says, "they were certainly in the right, and acted like true patriots." Nevertheless the same writer, in the very same discourse, presently adds, "The tribunes however would not stop here; nor were content with securing the rights of the commons without destroying those of the senate; and as oft as they were disappointed in their private views, and obstructed in the course of their ambition, used to recur always to the populace; whom they could easily inflame to what degree they thought fit, by the proposal of factious laws for dividing the public lands to the poorer citizens; or by the free distribution of corn; or the abolition of all debts; which are all contrary to the quiet, and discipline, and public faith, of societies. This abuse of the tribunitian power was carried to its greatest height by the two Gracchi, who left nothing unattempted, that could mortify the senate, or gratify the people; till by their agrarian laws, and other seditious acts, which were greedily received by the city, they had in great measure overturned that equilibrium of power in the republic, on which its peace and prosperity depended."

Surely it must appear somewhat strange, that this admired author should applaud the tribunes, as true patriots, for effecting that which it was impossible for them to effect by any other measures than those which he condemns as factious and seditious. Should it be granted, that what he says of dividing the public lands, distribution of corn, and abolition of debts, is, in the general, true, yet certainly it is not true with regard to the particular case of the Roman republic. In vain would Licinius (in 386) have obtained the law which capacitated plebeians for the highest offices in the state, had the patricians been still permitted to engross to themselves the lands and possessions belonging to

it.^d Nor, to make that law effectual, and thereby establish an equilibrium of power in the republic, would his agrarian law have been sufficient, without the abolition of the debts; those debts retaining the debtors in a real servitude to the patrician creditors, the noble usurers. (There was experience of this during many years after the plebeians were, by a law enacted in 308, made capable of the military tribuneship.) Whatever portion, in the distribution of the public lands, might have fallen to any poor indebted commoner, his creditor would soon have got it from him in payment either of the principal sum, or of exorbitant interest. And so long as the nobles were possessors of all the lands, so long they could not but be absolute lords of the state. “Land (says a very ingenious writer) is the true centre of power; and the balance of dominion changes with the balance of property.—This is an eternal truth, and confirmed by the experience of all ages and governments; and so fully demonstrated by the great Harrington, in his Oceana, that it is as difficult to find out new arguments for it, as to resist the cogency of the old.” The nobles of Rome, in the time of Tiberius Gracchus, seem to have been fully convinced of this; when, even upon the terms of receiving, in money, the value of the lands

See b. 3.
c. 4. §. 1.
Ib. §. 3.

See
Hooke's
Observ. on
Rom. Sen.
p. 66.

See Moyle's
Works,
vol. 1. p.
72.

See b. 7.
c. 7.

^d Dr. Middleton, in judging of these matters, seems to have paid too blind a deference to the authority of Cicero. The ingenious translator of some of Cicero's orations into English, not dazzled by the splendour of his author's amazing talents, writes thus, in the preface to his third volume, p. 7. “I am sorry to say it, but it appears that our author, though an excellent senator, was but an indifferent patriot; and, though always an advocate for the government, he seems often to have lost sight of the constitution.—

“As our author, from his first entering upon public life, was a party in all the transactions of his own times, it is unjust to form a decisive notion of public measures, persons, or characters, from his writings.—If I find that the people of Rome, from the confession of our author, from the concurring testimonies of all writers, and from the nature of their constitution, had not only a natural but a positive right to the benefit of agrarian laws, I am warranted by historical credibility to look upon this as an indisputable fact. Therefore when I see them struggling for the enjoyment of those privileges, I am bound in common justice to think them in the right, and those who oppose them in the wrong.—When I see a justifiable measure pursued, and all the reason that I know for opposing that measure must be gathered from the representations of the other party, with whom there is no difference as to facts, common sense obliges me to be very cautious, and distrustful in believing the representations of that party, and look upon them as colourings designed to heighten the beauty of his own features, and to give a stronger relief to the deformity of his antagonist.”

they had usurped, they could not with any patience listen to the proposal of transferring them to the poor plebeians.

See b. 6.
c. 10.

See
Hooke's
Observ. on
Rom. Sen.
p. 201.

The equilibrium, of which the admired writer speaks, had been destroyed some years before either of the Gracchi was in the office of tribune: their attempt was to re-establish equality and liberty. And as to the charge against them, that they were not content with securing the rights of the commons, without destroying those of the senate, it may be answered, that the proper authority of the senate, that is, their influence, in the direction of those affairs, which concerned the whole state, was not the thing in question, in the times of the Gracchi: nor does it appear that they had any view or desire to destroy it. Caius enlarged the prerogative of the senate in one instance; and, while times continued regular, that is, while things stood upon a foot of equality, the senate's authority, its influence, its weight in the councils and transactions of the state, was never diminished. The people did always suffer themselves to be governed by the sentiments of the conscript fathers, when those sentiments did not tend to the destruction of equality: but the fathers, intoxicated and blinded by their covetousness and ambition, neither would nor could see their own interest, as a senate, in the reformatations proposed by the Gracchi; they chose rather to have power than authority, rather to be feared than revered. And, therefore, it would seem that all the mischiefs which, after the murder of those two excellent patriots, happened to the republic, from civil dissensions, ought to be principally imputed to the senate's inexcusable folly of returning to its old pursuit of unconstitutional wealth and sway.

If it should be said, that, when Rome had attained to that prodigious height of power and opulence, to which she was raised by the conquest of Macedon and Carthage, the scheme of confining the estates of the great

men within the limits prescribed by the Licinian law, or within any fixed limits, and of hindering the Roman freemen of inferior rank from alienating their lands, was impracticable; the proper answer seems to be, That, if so, then it was impracticable to preserve the constitution any longer: for nothing can be more absurd than to imagine liberty and equality, an equilibrium of power, to endure in a state, where the majority of those, who make the laws, and determine the most important affairs of the public, have no land,^e no stable property; and who, for a subsistence, depend chiefly on what they can get by selling their votes to the rich and the ambitious. And from these premises this inference will, I think, be unavoidable, that all the severe censures, which have been passed upon those persons, who, after the murder of the Gracchi, aimed at oligarchy or monarchy,

^e The ingenious writer above quoted imagines (perhaps without sufficient ground) that Polybius was unacquainted with the true causes of the revolutions of the Roman government. I shall transcribe, from the writer's essay, some passages that are introductory to his charge against the Greek historian, and are pertinent to our present subject.

"Romulus,—to reward the good affections of his new subjects, made an equal Moyle's distribution among the people of the territories belonging to Rome, except of the Works, crown and church lands: and, as he grew greater, divided all the conquered lands vol. 1. among the multitude (a custom followed by most of the succeeding kings). This p. 62. donation was a false step, never to be reconciled to the true interest of sovereign [Var. de power, from that eternal principle, that equality of possession makes equality of Re Rust. power: and whenever the balance of property sways to the people, the monarchy l. 1. c. 10.] naturally resolves into a popular government.—

—"The generous ambition of extending their empire, made the kings of Rome P. 63, 64. sacrifice the rights of the monarchy to the liberties of the people: for without freedom and property they found it impossible to compose a brave or a numerous militia; both which are the genuine roots of a commonwealth: for a people that have property in possession, and swords in their hands, rarely submit to the dominion of one."

—P. 71. "The [Roman] monarchy resolved into an aristocracy; and that into a democracy; and that too relapsed into a monarchy, as the balance of lands varied from one order to another.

"These periods and revolutions of empires are the natural transmigrations of dominion, from one form of government to another; and make the common circle in the generation and corruption of all states. The succession of these changes Polybius knew from experience, but not from their true natural causes: for he plainly derives these alterations from moral reasons; such as vices and corruptions, the oppression and tyranny of their governors, which made the people impatient of the yoke, and fond of new forms; and not from the change of the only true ground and foundation of power, property."

The reader, if he considers those extracts, from Polybius's sixth book, which are in p. 118—123 of the Observations on the Roman Senate, will, perhaps, judge, that he imputes the destruction of liberty, and of the equilibrium of power, in the Roman state, to covetousness and ambition, no otherwise than as the unequal and undue distribution of property among the members of it, in the latter times of the republic, was owing to the prevalency of those vices.

all the invectives against Julius Cæsar, as the invader and destroyer of the liberties of his country, are idle talk, empty, unmeaning declamation.

CHAP. I.

A brief relation of the domestic and foreign transactions of the Romans, from the death of C. Gracchus, in the year 632, to the beginning of the Jugurthine war in 642. The conquests of the Romans in Transalpine Gaul.

THE CONSULS FOR THE YEAR 633 WERE P. MANILIUS AND C. PAPIRIUS CARBO.

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sulship.

THAT Papirius Carbo, whom we have seen a commissioner for the execution of the agrarian law, and professedly a fast friend of Caius Gracchus, should be immediate successor, in the consulship, to Opimius, the principal actor in the murder of Gracchus, will appear very strange, if we do not call to mind that it was customary to elect the consuls many months before the time appointed for their entrance on the office. Carbo had unquestionably been designed to the consulship, while Gracchus's friends were the prevailing party: otherwise, it would be very hard to account for his being, at this time, in that high station.^f For that the late massacres, perpetrated by the nobles, had struck an extreme terror into the minds of their adversaries, there needs no stronger proof than the part which Carbo acted, presently after his taking possession of the consular fasces. When Opimius was, by one of the tribunes, brought into judgment before the people, for having put Roman citizens to death without previous trial and condemnation, Carbo undertook his defence. Indeed, the commencing this prosecution, while the accused and his faction were^g triumphant, seems to in-

^f Though the time of the comitia for other matters was undetermined; yet the magistrates, after the year of the city 601, when they began to enter on their place on the kalends of January, were constantly designed about the end of July, or the beginning of August. Kenn. part 2. b. 3. c. 16.

^g Popillius, formerly condemned to banishment for the like violent and illegal proceedings against the friends of Tiberius Gracchus, had just been recalled at the motion of L. Calpurnius Bestia, one of the tribunes. Cic. in Brut.

dicare that it was a mere farce, where the tribune acted in concert with the nobles, who knew beforehand what Carbo in his fright would do, and were sure of a judgment in favour of Opimius. Be that as it will, Carbo employed all his eloquence (and he was a great orator) to defend the murderer of his friend Caius Gracchus. Nor did he content himself with urging, in behalf of his client, the decree of the senate under which he had acted; but maintained that the action itself was just, and that the killing Gracchus was for the public good.^h His rhetoric being assisted by the influence of his consular authority, and by the whole weight of the senate, who were made parties in the cause, it is no great wonder if, at this juncture, Opimius was acquitted. The comitia, likewise, at the motion of Octavius, one of the tribunes, abrogated the law of Caius Gracchus in relation to the distribution of corn, and passed another where the largess was less; and, according to Cicero, necessary for the people.

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Liv. Ep.
l. 61.
Cic. in
Brut. c. 62.
Cic. pro
Sex. 48.
Cic. Off.
l. 2. c. 21.

But Carbo, who had thus basely deserted one party, was himself, in the following consulship of L. Cæcilius Metellus and L. Aurelius Cotta, deserted by both parties, and suffered to fall a victim to the early glory of the celebrated Lucius Crassus, an orator, at that time but one-and-twenty years of age: who picked out this hated offender as a proper subject whereon to make the first trial of his talent for accusing at the bar.ⁱ Crassus,

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Cic. de
Orat. l. 3.
c. 20.

Cicero boasts much of this, that, not at the motion of Opimius, nor by a decree of the senate, but at the request of a tribune, Popillius was restored, his enemies being slain. *Nunquam de P. Popillio L. Opimius fortissimus consul—senatum aut populum est cohortatus.* Post Red. ad Quir. 4.

Nihil unquam senatus de P. Popillio decrevit: nunquam in hoc ordine Q. Metelli mentio facta est: Tribunitiis sunt illi rogationibus, interfectis inimicis, restituti. Post Red. in Sen. 15.

And again, *Illis qui expulsi sunt inique, sed tamen legibus reducti, inimicis interfectis, rogationibus tribunitiis, inimicorum injuria probro non fuit.* Pro Dom. 33.

^h *Cum L. Opimii causam defendebat apud populum—C. Carbo consul nihil de C. Gracchi nece negabat, sed in jure pro salute patriæ factum esse dicebat.* Cic. de Orat. l. 2. c. 25.

ⁱ Val. Max. l. 6. cap. 5. reports that one of Carbo's slaves, having stolen from him a little box, in which were many papers that would have served to convict him, brought it to Crassus, who generously sent back the slave in chains to his master, together with the box unopened; and the same author, l. 3. c. 7. says, that Carbo

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Cic. de
Orat. l. 1.
c. 26.

being naturally bashful, and having to do with a man of eminent abilities, no sooner began to speak, but his heart failed him, he turned pale, trembled, and was unable to proceed. The prætor, Fabius Eburnus, who presided in the court, perceiving his distress, adjourned the trial to the next day.

The matter of the charge is no where mentioned; but from passages which Cicero has preserved of Crassus's oration, it appears, that the prosecution was set on foot by Carbo's new friends. "Carbo (says Crassus), though you defended Opimius, the judges will not therefore look upon you as a good citizen; for that you then dissembled, and in your defence of Opimius had something else in view, is manifest: because you have often in public assemblies deplored the death of Tiberius Gracchus; were an accomplice in the murder of Publius Scipio; in your tribuneship proposed that law [the law^k empowering the people to re-elect as often as they pleased the same men to be their tribunes], and always dissented from the honest."

Cicero tells us,^l that Carbo's coming over to the honest not being sufficient to engage the honest to protect him, he, to avoid an ignominious sentence,^m put an end to his own life, and (as the report went) by poisoning himselfⁿ with cantharides.

It was in this consulship that the renowned Caius Marius first became a statesman, being now one of the tribunes^o of the people; a hero who had no statues nor

was condemned to banishment, but in this disagrees with Cicero; and though the former story has in itself nothing improbable, yet, as Cicero never mentioned it in any of his panegyrics on Crassus, the truth of it may very well be doubted.

^k The law did not pass in the tribuneship of Carbo. See b. 6. c. 8.

^l De Leg. l. 3. c. 16. *Cui ne reditus quidem ad bonos salutem a bonis potuit afferre.*

^m Cic. in. Brut. c. 27. speaking of T. Gracchus and Carbo: *Sed eorum alter propter turbulentissimum tribunatum ab ipsa republica interfectus est; alter propter perpetuam in populari ratione levitatem morte voluntaria se a severitate judicium vindicavit.*

N. B. By this it would seem that Carbo was prosecuted for the part he had acted in the dispute, before his consulship; and so Pighius conjectures, that the inquisition was continued concerning the sedition, and the accused tried by the prætors.

ⁿ Cic. Ep. Fam. l. 9. ep. 21. Caius [Papius Carbo] *acusante L. Crasso, cantharidas sumsisse dicitur.*

^o Pighius conjectures he was quæstor in 629, and his province Sicily; though it

pictures of his ancestors to shew, had no eloquence, no Greek ; but whom, nevertheless, we shall hereafter see a match for the learned and illustrious nobles, in their own way of carrying on business; of talents not inferior to theirs for terminating civil disputes and promoting concord. At the time of his election to the tribuneship, he was known only as a brave soldier, and skilful officer, of singular assiduity and alacrity in service, unblemished life, strict probity, exemplary sobriety, and a peculiar patience of hardships and discipline. By these qualities, especially the last, he had, during the Numantine war, recommended himself to the esteem and favour of Scipio Æmilianus, whose only difficulty in that war was to banish luxury from his camp, and restore the ancient discipline among his troops. Scipio, from his observation of the martial talents of Marius, who was then but twenty-three years of age, gave a kind of prophetic testimony of his future glory : for, being asked in flattery by some of his officers, where, in case of any accident to himself, the republic would find a general? he, gently clapping Marius on the shoulder, answered, Perhaps, here: words, which, as Plutarch reports, were heard by Marius as oracular, and which animated him with the hope of being one day able to make a figure in his country. Yet he laboured under great disadvantages with regard to this ambition, by reason of his obscure birth and illiberal education. Born at Arpinum, or in a village near it, he had there passed all his early youth with his parents, who were poor, and earned their bread by the labour of their hands : as soon as he was able to bear arms,* he had entered himself a soldier,^p and from

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Plut. in
Mar.

A city
anciently
of the Sam-
nites, now
in the
kingdom of
Naples.
* Sallust.

does not evidently appear that he was ever quæstor, since nothing certain can be built upon this passage of Valerius Maximus, which is the only foundation of his supposed quæstorship: *Arpini honoribus judicatus inferior, quæsturam Romæ petere ausus est: patientia deinde repulsarum, irrupit magis in curiam quam venit.* Val. Max. lib. 6. cap. 9.

^p Is natus, et omnem pueritiam Arpini altus, ubi primum ætas militiæ patiens fuit, stipendiis faciundis, non Græca facundia neque urbanis munditiis, sese exercuit; ita inter artis bonas integrum ingenium brevi adolevit. Ergo ubi primum tribunatum militare, &c.

Plutarch reports, that Marius made his first campaign under Scipio Æmilianus, at

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sulship.

that time had lived, almost wholly, in camps and the toils of war; and (to use the phrase which Plutarch has borrowed from Plato) had never sacrificed to the Muses or the Graces: however, in the military road to honour, he took such effectual care to distinguish himself, that, when [after serving the term, by law required, for a qualification] he put in for the post of tribune in a legion. he had the vote of every tribe: for though few of the citizens knew his face, none of them were strangers to his name and character.

That intrepidity, resolution, steadiness, would be the style of his behaviour in civil offices, no less than in military, he gave sufficient ground to expect, presently after his commencing tribune of the commons, which (as abovementioned) was in this year 634. Having proposed to the people a law more effectually to prevent candidates for offices from tampering with the voters, the senate (who did not like the measure) made a decree that the law in question should not be put to the vote, and they sent for Marius to give an account of his conduct in this matter. Marius appeared, indeed, but not as to answer for his conduct. Without any ceremony, he let the consul know that he would send him to prison, if the decree were not instantly revoked. Cotta, turning to Metellus, asked his opinion, who signifying his approbation of the decree, Marius called in one of his serjeants, and bade him lead Metellus to prison. Metellus appealed to the other tribunes; but not one of them interposed, and the senate were obliged to re-

the siege of Numantia, and was then about eighteen years old. But neither of these can be true, if, as Plutarch himself repeatedly tells us, Marius died at the age of seventy. For it is certain that the death of Marius happened in the year of Rome 667: consequently he was born in 597, and was twenty-three, in the year 620, when Scipio besieged Numantia. And as seventeen was the age when the Romans were reckoned capable of bearing arms, and, according to both Sallust and Plutarch, Marius became a soldier about that age, we must suppose that he had served five or six years before he came under Scipio's command, who had no military employment from the year 606 to 619. It is also reasonable to think, that Marius, when Scipio made him the compliment abovementioned (in the text), was an officer, and had more experience in war than is to be got by serving one year, or a year and a half. Dr. Middleton, nevertheless, in vol. 1. p. 24. of his *Life of Cicero*, has adopted Plutarch's mistake.

voke their decree. Then Marius hastened to the comitia, and got his law passed.

Year of
R O M E
634.
B. C. 118.

This action of their new tribune made the people imagine they had found a champion who would fight all their battles against the senate, with the like inflexible resolution : he very soon undeceived them : for, with a steadiness equal to that with which he had opposed the senate's decree, he opposed a motion of one of his colleagues, for a free distribution of corn to the citizens, and defeated the design : so that now, says Plutarch, he gained the esteem of both parties, being looked upon as a man who would gratify neither at the expense of what he thought the public good. He seems however to have lost a great part of his credit, when, not long after, standing successively for the curule ædileship, and the plebeian, both in one and the same day (the first instance of the kind), he could carry neither ; and when, three years after his tribuneship, though chosen prætor, he was the last named, and even the validity of his election disputed, as if procured by illegal methods. It seems a slave of one Cassius Sabaco, a particular friend of Marius, had been seen in the voting-place among the citizens, who were giving their suffrages. Sabaco, upon his examination, could not deny the fact, but pretended, that, being extremely thirsty, he had called for some water, and that his servant, though he had indeed brought it, did not stay a moment.^a Among those, whom the accusers of Marius desired might be examined, was his patron Caius Herennius, who pleading that the law exempted patrons from giving testimony against their clients, the judges would have admitted the excuse ; but Marius himself opposed it : he said,

333d consulship.

^a Sabaco, for this affair, was the next year, 638, expelled the senate by the censors, Metellus Dalmaticus, and Domitius Ænobarbus (two very wrong-headed men, if we judge of them by their behaviour when generals). They said that Sabaco deserved to be stigmatized, whether he spoke true or false : if false, for his perjury : if true, for his intemperance. They also degraded thirty-two of the senators, among whom was C. Licinius Geta, a man of consular dignity, and who was himself afterwards chosen censor. Liv. Epit. 62. Cic. in Cluent. Val. Max. lib. 2. cap. 9.

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sulship.

that from the time any man became a magistrate, he was nobody's client ; which, if we may believe Plutarch, was not true but of those who obtained the curule magistracies. It does not appear what evidence Herennius gave, or whether he gave any ; nor what foundation there was for the charge ; but in the end, the judges being equally divided in opinion, Marius stood confirmed in his office. We are not told where his jurisdiction was. The next year he went proprætor into farther Spain, where he had some success against the Lusitanians, and settled a colony of Celtibereans at Colenda, in reward for their having assisted him in his expedition. From this time we hear no more of him as acting any part in public life, till the Jugurthine war, a memorable period of the Roman story, on account both of the surprising events of the war itself, and of the civil commotions it gave birth to at Rome. But before we enter on the war with Jugurtha, it will be proper to see what had been doing in the military way, while the affair of Caius Gracchus was depending, and what was afterward done during the ten years between his murder and that war.

THE CONQUESTS OF THE ROMANS IN TRANS-ALPINE GAUL.

Or Salluvii.
See b. 6.
c. 9.

* Marseil-
les.

See b. 6.
c. 9.
Y. of R.
630.

OF all the nations beyond the Alps, the Salyi, says Florus, were the first who felt the Roman arms. The city of Massilia,* ever faithful and friendly to Rome, had complained of the hostile incursion of those her neighbours. It has been already mentioned, that in the year 628, Fulvius Flaccus,^r then consul, began the war, and that it was continued by one of the succeeding consuls, Sextius Calvinus, who vanquished the enemy in a pitched battle, made a complete conquest of their coun-

^r The same Fulvius who was afterward slain with Caius Gracchus.

try, and, the next year, when proconsul, having built the city of Aix, planted there a Roman colony, the first that ever passed into Transalpine Gaul.

After this success there could not be wanting a pretext to make farther acquisitions. It was alleged, that the Allobroges (who inhabited a tract of country that lies between the Rhone and the Alps, from the Isere to the lake of Geneva, and whose capital was Vienne) had granted protection to Teutomalius, king of the Salyi, when dispossessed of his kingdom. This was sufficient.

But it was farther alleged, that they had ravaged the lands of the *Ædui*, at that time in alliance with the republic: for the Romans seldom failed to have allies at the back of whatever people they purposed to subdue. It is said, however, that the *Ædui* had of their own motion sought the friendship of the Romans, and were proud to be by them called brethren. Over these Allobroges, assisted by the forces of Bituitus, king of the *Arveni*, the consul Domitius,^s in 631, obtained, by means chiefly of his elephants, a victory, in which he slew 20,000 of the enemy, and took 3,000 prisoners. The vanquished brought a new army into the field. Their whole force is said to have amounted to 200,000 men; yet Fabius (successor of Domitius) with only 30,000 gave them an entire overthrow upon the banks of the Rhone; in which river, the bridge breaking under them in their flight, most of them were drowned. Domitius, who was still in the province, hearing that Bituitus, totally discouraged by his second defeat, was disposed to ask peace of the consul, and submit, invited him to an amicable conference; and, when the king came, seized on his person, and sent him prisoner to Rome, the proconsul being angry that he chose rather to yield to the consul than to him. The senate, says Valerius Maximus, could not approve the

Autunois
in Bur-
gundy.

Auvergne.

Y. of R.
632.

* Colleague of that Fannius, who being elected consul on the recommendation of C. Gracchus, employed his consular power in opposing him.

deed, yet would not release the king, lest he should renew the war; but having got his son into their hands, they gave him a Roman education, and then sent him home.^t

Fabius, at his return to Rome, called himself Allobrogicus, and had a triumph, of which the captive monarch, clad in the splendid arms he used to wear, was the principal ornament. Domitius, some time after, with the same king to attend him, had the like honour of the triumph: though indeed he had already triumphed abroad; for with his army following him in procession, he had been riding up and down the conquered countries, like an overgrown idiot, upon an elephant. Florus remarks, that these two generals were the first of the Romans that ever insulted the vanquished nations, by erecting, in their countries, trophies of the victories obtained over them.

Sueton. in
Ner. c. 2.

In this same year Quintus Metellus (the eldest son of Macedonicus) had his triumph, as conqueror [in 630] of the islands called Baleares: and the vain man, for having with his heavy-armed legionaries defeated a number of fishermen, who went naked, and fought only with slings, foolishly took the title of Balearicus.

Y. of R.
634.
App. in
Illyricis.

In 634 the consul L. Metellus leading an army into Illyricum, the Segestani, a people of that country, surrendered to him: after which, he, without any provocation, entered Dalmatia, where, being received amicably, he took up his winter-quarters in the capital, and,

^t This year Q. Mucius Scævola, called the augur, to distinguish him from Q. Mucius Scævola, the pontifex maximus, went prætor into Asia, where he reformed the abuses of the publicans, and regulated the affairs of the province with so much justice and integrity, that the Asiatics instituted a festival in honour of him, and called it Mucia, from his name. P. Rutilius Rufus, one of the most worthy men in Rome, assisted him in quality of quæstor. Cic. de Fin. lib. 1. cap. 3. Ascon. Pæd. in Divinat. et 2. Verr. Val. Max. lib. 8. cap. 15. §. 6.

Val. Max. (lib. 8. cap. 15. §. 6.) says, that Q. Mucius Scævola, colleague to Crassus in the consulship (which Scævola was the pontifex maximus), so excellently administered affairs in Asia, that the senate used to propose his government as an example to the magistrates that were sent into the provinces. Pighius (in anno 632 and 654) says, that both Scævolas were prætors in Asia, and that both employed Rutilius, the one as his quæstor, the other as his lieutenant; and applies the two quotations above from Asconius Pædianus to Scævola the pontifex, though Asconius speaks of Rutilius, as being quæstor, not lieutenant to Scævola.

for this exploit, he had a triumph upon his return to Rome, and called himself Dalmaticus.

The next year M. Porcius Cato, and Q. Marcius Rex, being consuls, the former was sent into Africa (on what occasion is not known), and there died. Marcius, who had Transalpine Gaul for his province, subdued the Stæni, at the foot of the Alps, and planted a colony at Narbonne, called from him Narbo Marcius, which became the capital of the Roman conquests in Transalpine Gaul, when, four years after, they erected them into the form of a prætorian province.

Y. of R.
635.
B. C. 117.

"In the following consulships of L. Metellus Diadematus (second son of Macedonicus), and Q. Mucius Scævola; C. Licinius Geta, and Q. Fabius Maximus Eburnus, it does not appear that any thing was done in the way of conquest.

Y. of R.
636.

Y. of R.
637.

But in the year following, M. Æmilius * Scaurus (colleague to M. Metellus, third son of Macedonicus), having Transalpine Gaul for his province, made a successful expedition against the Carni, at the foot of the Alpes Penninæ. He afterward employed his army in draining the marshes near the Trebia and Placentia, and making roads in that country. At his return home, he was decreed a triumph; and, by the censors, Metellus Dalmaticus and Domitius Ænobarbus, named president of the senate, in the place of Metellus Macedonicus, who died this year, and whose bier was carried by his four sons, of whom one had been consul, and was now censor, the second had also been consul, the third was at this time consul, and the fourth soon after [the very next year] obtained the consulship.

Y. of R.
638.
Auct. de
Vir. Illust.
Strab. l. 5.
p. 217.

Fast. Capit.
Plin. l. 2.
c. 54.
Vell. Pater.
l. 1. c. 11.

Scaurus this year got two new laws passed; the one

Plin. l. 8.
c. 57.

" It was in the former of these consulships that Marius suffered the affront before-mentioned, when he stood for the ædileship, and in the latter, that being chosen prætor he was prosecuted for briguing.

* A farther account of Scaurus will be given where the knowledge of his character is more necessary.

forbidding the use of some foreign dainties; the other concerning the votes of the freedmen.^y

Y. of R.
639.
B. C. 113.
Flor. l. 3.
c. 4.
Liv. Epit.
l. 63.

Cic. pro
Balb. l. 11.
Cic. in
Verr. 3.
c. 80. et 4.
c. 10.
L. 2. c. 8.

The Scordisci, a people of Thrace, originally descended from the Gauls, who followed Brennus, having made an irruption into Macedon, C. Porcius Cato (who had been raised to the consulship with M. Acilius Balbus) was sent with an army to defend the province. Surprised by the barbarians in an ambush, his army was routed with such slaughter that scarce a man, except himself, escaped. The conquerors immediately spread themselves over Thessaly and Dalmatia, as far as to the Adriatic, where finding a vast extent of waters that put a stop to their progress, they, in despite and rage, darted a shower of javelins into the sea. Soon after, Didius, prætor of Illyricum, falling upon them suddenly, while they were plundering the country, put them to the rout, and drove them back into Thrace. Cato, at his return to Rome, was prosecuted for extortion in his province, and being condemned, went into banishment to Tarraco in Spain. The sum in question was no more than about 32*l.* according to Velleius Paterculus, or 150*l.* according to Cicero; a mere trifle; but Paterculus most gravely remarks, that men had more attention to the nature of the crime, and the disposition of the criminal, than the extent of the injustice done. The knights, who were the judges at this time, must have been very worthy men, contrary to what Cicero would have us believe; or this remark of Paterculus is very much displaced. The condemnation of Cato was undoubtedly owing to some private spleen, or perhaps the public indignation against him, for letting himself be surprised by the enemy, and thereby losing the lives of

^y Freedmen. This, as Pighius conjectures, enacted that the freedmen should vote in the four urban tribes, whereas from the time of Sempronius (the father of the Gracchi) they had been confined to one tribe.

It is said that this haughty consul was so offended with the prætor Decius Mus, for not rising up when he passed by him, that he made his lictors force him to it, and break his curule chair to pieces. He also by edict prohibited the bringing causes before that prætor's tribunal. Auct. de Vir. Illustr. in Scaur.

so many citizens, whose kinsmen and friends could not forgive him.

In this consulship happened an accident which alarmed the Roman superstition, and was followed by a discovery that occasioned a good deal of noise and bustle at Rome. Helvius, a Roman knight, going with his daughter into Apulia, was overtaken upon the road by a storm of thunder. A flash of lightning killed the young woman, and the horse she rode upon, at the same time stripping her of her clothes, and the horse of his saddle and bridle. The augurs declared that this mischance portended disgrace to unmarried women and the equestrian order. Soon after, a criminal correspondence was discovered between three Roman knights and three vestals.

And the next year, when C. Metellus, surnamed Caprarius (the fourth son of Macedonicus), and Cn. Papirius Carbo, were consuls, L. Metellus the pontifex, and the pontifical college, condemned Æmilia, the most guilty of the three priestesses, to the usual punishment in such cases; but acquitted the other two, Marcia and Licinia, the latter of whom was defended by her relation Crassus, the orator, he being then twenty-seven years old.

The people, dissatisfied with this sentence, ordered the cause to be tried anew; and by a special commission appointed L. Cassius to be judge; a man so severe, that his tribunal was called *scopulus reorum*; that is, the rock on which those who were arraigned before him were sure to split, if they were guilty. He condemned Marcia and Licinia, and several others; and to expiate their crime, the senate, after consulting the Sibylline books, ordered a temple to be built to Venus Verticordia, who was to be implored to change the hearts of the Roman women, and make them more chaste. When the statue of this goddess was to be consecrated,

^z Plutarch tells us, that the Sibylline books directed the Romans to bury alive two Greeks and two Gauls, as offerings to certain strange malignant genii. Plut. in Quæst. Rom. c. 83.

Jul. Obseq.
c. 97.
Oros. l. 5.
c. 15.
Plut. in
Quæst.
Rom. c.
83.

Y. of R.
640.
Fenestell.
ap. Macrob.
Sat. l. 1.
c. 10.

Ascon.
Pæd. in
Cic. Orat.
pro Mil.
c. 12.
Cic. in
Brut. c. 43.
Val. Max.
l. 3. c. 7.
§. 9.
Ovid. Fast.
l. 5. Jul.
Obseq.
Plin. l. 7.
c. 35.
Val. Max.
l. 8. c. 15.
§. 12.

the Romans judged it proper to give the honour to her of all the ladies who had the best reputation for chastity. First a hundred ladies of the most irreproachable manners were selected from the rest; then from this number ten were taken by lot, and these ten gave the preference to Sulpitia, daughter of Paterculus, and wife of Fulvius Flaccus.

Val. Max.
l. 2. c. 7.

L. 6. c. 7.

Among the accused was M. Antonius, the famous orator, and grandfather of the triumvir. He was at this time quæstor, and just setting out from Brundisium for Asia, when he received notice that an accusation was lodged against him before Cassius. By the law he might have declined appearing, as being employed in the service of the commonwealth; but choosing to stand a trial, he came back to Rome. It is said that, though innocent, he was somewhat alarmed, when the prosecutors demanded that a young slave, who was supposed to be privy to his intrigue, should be examined by torture, because he doubted of the resolution and steadiness of the youth. But the boy bid his master fear nothing, offered himself to the torture, and supported it with an unshaken constancy.

An inundation of barbarians from the north, at this time, threatened Italy. The Cimbri, a people whose origin is uncertain, but who not long before this inhabited the Cimbrica Chersonesus (now Jutland and Holstein), had, in a confederacy with the Teutoni their neighbours, left that country to seek for new habitations. Plutarch makes their number amount to 300,000 fighting men, who were followed by a yet greater number of women and children. At first they fell upon the Boian Gauls, who inhabited part of the Hercynian forest (which part had from them the name of Bohemia), by whom being repulsed, they turned towards the Ro-

^a According to Liv. Epit. l. 67. and Jul. Obseq. de Prodig. 103. the Teutoni did not join the Cimbri till some years after this: but Velleius Paterculus, Plutarch, Florus, Eutropius, and Orosius, speak of the Teutoni as joined with the Cimbri in all their wars with the Romans.

man provinces, penetrating into Noricum. The consul Papirius, whom the senate immediately ordered into Illyricum to oppose their progress, posted himself in the passes of the Alps, and thence sent to ask why they ravaged the territory of the Norici, who, he said, were friends of the Romans, though in truth the Romans had no treaty of friendship with them. The Cimbri, by their ambassadors, answered, that they respected the Roman name, had no intention to attack any nation in alliance with Rome, were going to quit Noricum, and to seek a settlement in countries where the Romans had no concern. Papirius, believing this answer to proceed from fear, and wisely projecting to gain abundance of honour by a stroke of perfidy, furnished the Cimbrian ambassadors with guides, who, under pretence of conducting them back by the best road, were to lead them by such a roundabout way, as to give him an opportunity, by taking a shorter, to surprise them, and with his whole army fall upon them at once. The stratagem did not succeed; the Cimbri, though surprised, were not disconcerted; they drove the consul out of the field, and, had it not been for the sudden tempestuousness of the weather, would have destroyed his whole army. The barbarians made no advantage against the Romans of their victory; but, for some reason unknown, turned away to the country of the Helvetii, where they were probably joined by the Ambrones (who are thought to have been a canton of the Helvetii), and from thence spread themselves over Transalpine Gaul, carrying with them slaughter and desolation.

Metellus, the other consul, made a successful expedition against the Scordisci.

And the next year M. Livius Drusus (who was in the consulship with L. Calpurnius Piso) forced them to repass the Danube, which served ever after as a barrier between them and the Roman provinces.

Liv. Epit.
63.
Tacit. de
Mor. Germ.
Strab. l. 5.
p. 214.

Liv. Epit.
64.
Flor. l. 3.
c. 4.
Y. of R.
641.

CHAP. II.

The occasion of the Jugurthine war; its commencement, progress, and conclusion.

SALLUST tells us, that he wrote the history of the Jugurthine war for these two reasons,—that it was an important and bloody war, and of great variety in the fortune of it:—and that, during this war, the first stand was made against the insolent pride of the nobility; the commencement of a struggle maintained with such party rage as at length to produce a civil war and the desolation of Italy.

To give an account of the cause and origin of the Numidian war, it will be necessary to go a little back. It has been formerly observed, that Masinissa received from the Romans the kingdom of Numidia, in reward of the services he had done them against the Carthaginians. At his death he left three legitimate sons, Micipsa, Gulussa, and Manastabal, who, without dividing their father's kingdom, shared^b the government of it among them. The two latter dying, Micipsa reigned alone. This prince had two sons, Adherbal the elder, Hiempsal the younger. He had also a nephew named Jugurtha, the son of his brother Manastabal, but whom, being born of a concubine, Masinissa had left in a private condition. Micipsa however took him into his own house, and educated him with his own sons. Jugurtha had great natural talents, was remarkably handsome, and excelled in strength. Active and industrious, he continually exercised himself in riding, throwing the lance, disputing the prize with his companions in the race, or in hunting lions and other wild beasts; at which sports he always endeavoured to be the first, or among the foremost, to wound the beast. And though he performed more hardy exploits than any of his com-

^b The elder Scipio is said to have made this distribution in virtue of a power given him by the verbal will of Masinissa when dying. See book 5. chap. 26.

panions, and was much superior to them all in his exercises, yet, never boasting of his advantages, he was by all extremely beloved. At first the king of Numidia rejoiced in the good success of his care, as thinking Jugurtha would be an honour to the kingdom. But afterward, reflecting on his own great age, the tender years of his sons, the temptation of a throne, and the fondness of the Numidians for his nephew, he began to fear, lest the daring and ambitious spirit of that prince should meet with too favourable an opportunity to display itself. Under these apprehensions the king would have privately made away with him, had he not been afraid of a sedition or a general rebellion, as the probable consequence of such an act. Being at this time to furnish the Romans with a body of troops to serve under Scipio at the siege of Numantia, he resolved to give Jugurtha the command of them, entertaining some hope of getting rid of him by the chance of war; a hope founded on the forward and enterprising spirit of the youth. But this measure, taken for the destruction of Jugurtha, turned to his advantage. By his ability in council, his bravery in fight, his strict obedience to orders, and his success in every enterprise, he gained in a short time the esteem and love both of the Roman soldiers and of their general. There were at that time in the army many persons, both of the old and new nobility, with whom wealth was preferable to virtue and honour, all furious party-men, very powerful at Rome, and more known than esteemed among the confederates. These men inflamed the ambition of Jugurtha, by telling him, that, at the death of Micipsa, he might easily make himself the master of Numidia; that he did not want ability for such an enterprise, and that at Rome all things were venal.

When Scipio, after the reduction of Numantia, was about to send back the auxiliary troops, he, in the presence of the whole army, made Jugurtha magnificent

presents, accompanied with extraordinary praises ; and then leading him into his own pavilion, there admonished him privately, to cultivate the friendship of the Roman people, rather by services to the public, than by gifts to private men ; adding, that it would be dangerous to attempt to purchase of a few what belonged to many ; that, if he would continue in the diligent exercise of his talents and virtues, he could not fail of acquiring both glory and a crown ;^d but that if he should be so hasty to attain his purpose as to have recourse to bribery, his money would prove his destruction. After this advice he dismissed him with a letter for Micipsa to the following effect :

“ Your Jugurtha has behaved himself incomparably well in the war of Numantia ; to know this, will, I am sure, give you much joy. To me his merit has made him very dear : and I shall use my best endeavours that he be equally so to the senate and people of Rome. I congratulate you on this occasion with the cordiality our friendship requires. Your nephew is indeed worthy of you, and of his grandfather Masinissa.”

Micipsa, finding the reports he had already heard of his nephew's merit, confirmed by the Roman general, and, perhaps, now finding his former scheme less practicable than before, turned his thoughts how to gain the affections of Jugurtha, and to secure, for a friend and protector of his children, him, whom he could not destroy as an enemy ; and with this view he adopted him, and, by his will, left him joint heir with his own sons. And when, a few years after, he found himself drawing near his end, he is said to have pressed his ne-

^d If we call to mind the unprecedented division which the first Africanus, upon the death of king Masinissa, made of the regal power among his three sons ; and if we compare it with the discourse of the Roman nobles in the camp to Jugurtha ; the encouragement, which accompanied the more sage advice of the second Africanus to the youth, to hope a crown ; and the proceedings of the Roman senate, in relation to the affairs of Numidia, after the death of Micipsa and Jugurtha's usurpation of the kingdom ; may we not from the whole, without too great refinement, conclude, that the Romans had, at least from the demise of Masinissa, if not long before, formed the design of taking Numidia into their own possession ?

phew, in a very pathetic manner, to be friendly to his sons, and to have exhorted his sons to imitate the virtues of his nephew, their adopted brother, telling them what a reproach it would be to them, if it should appear to the world, that their father had been more happy in adopting, than in begetting sons.

The old king died, and, when the funeral was over, the three princes met to consult about their affairs. At this meeting, Hiempsal, the younger of the legitimate sons, a youth of high spirit, seated himself on Adherbal's right hand, that Jugurtha, whom he had always despised for his mean birth, might not be in the middle, the place of honour among the Numidians; and it was with great difficulty he was prevailed upon by the earnest entreaties of his brother to remove to the left of Jugurtha. And when Jugurtha proposed the repealing all the acts and edicts made by Micipsa in the five last years of his reign, because the king was then old, and his intellects impaired, Hiempsal briskly answered, "By all means; I am entirely of your opinion; for within the three last years you were adopted into the family." Words, which sunk deeper into the mind of Jugurtha than any one at that time imagined. His whole study from that moment was how to accomplish a speedy revenge.

According to Sallust, Jugurtha compassed his design by corrupting the host, with whom Hiempsal had taken up a temporary residence. This traitor admitted by night into the house a party of soldiers, who having found Hiempsal in a loft, where he had hid himself upon the first alarm, cut off his head, and carried it to their master.^b Upon the news of this base murder, the Numidians divided themselves into two parties; the greater number declared for Adherbal; but all the best soldiers adhered to Jugurtha. The latter soon appeared

^b If we believe the epitome of Livy, Hiempsal was vanquished and slain in battle by Jugurtha.

in the field, and took some towns by force ; others voluntarily submitted to him ; and he pushed for the entire monarchy of Numidia.

Adherbal, though he had dispatched ambassadors to Rome, to inform the senate of the murder of his brother, and his own situation, yet depending upon his superiority in number, ventured a battle with the enemy. Being vanquished he fled into the Roman province, and from thence proceeded to Rome.

Jugurtha, now master of all Numidia, and having leisure to reflect upon what he had done, began to dread lest the Romans should take up the quarrel of his rival. His only hope of being screened from their resentment was in his own treasures, and the covetousness of the Roman nobles. He dispatched ambassadors therefore in all haste to Rome, with immense sums of money, and with orders, first, by most ample presents, to secure his old friends, then to acquire new ; and lastly, to buy all who were to be bought. The ambassadors executed their commission with unwearied diligence ; and such a change, says Sallust, ensued, that Jugurtha, from being hated and detested, became a great favourite of the nobility, insomuch that some, engaged by hope, others gained by actual bribes, made themselves solicitors to the rest of the senate, that no severe decree might pass against the king. When the ambassadors thought themselves sufficiently secure of their point, the senate gave audience to both parties. Adherbal is said to have made a long speech, wherein he displayed the uncommon kindness which his father Micipsa had shewn to Jugurtha, from his very infancy to the time when he adopted him ; the extreme baseness of the latter, whom no obligations could engage to gratitude. He repeatedly expressed a concern that he should be troublesome to the senate before he had merited their favour by any service, yet he hoped that the remembrance of Masinissa's services, and constant zeal for the glory of the

Roman name, would be sufficient to procure, from the Roman senate and people, a protection for his grandson.

As soon as the king had done speaking, Jugurtha's ambassadors, relying more on the force of their presents than the justice of their cause, returned a short answer; that Hiempsal had been slain by the Numidians for his cruelty; that Adherbal had been the aggressor in the late war; that because, being vanquished, he could not do the injury intended, he now complained; and that as to Jugurtha, he earnestly requested of the senate not to think, that he was a different man from him they had known at Numantia, nor give less credit to his actions than to his enemy's words.

This said, Adherbal and the ambassadors withdrew, and the senate went upon the affair. Not only all those of the fathers whom Jugurtha had corrupted, but those who were under their influence, treated with scorn whatever had been alleged by Adherbal, extolled, in the highest strains of praise, the virtue of the king, pleaded for him, solicited for him, and, in short, expressed as much zeal for the justification of his infamous actions, as if their own honour had been in question. Some few there were, who, preferring justice and good conscience to money, declared for succouring Adherbal, and severely revenging the murder of his brother. The man who spoke the most warmly for this measure, but not from any love of virtue or justice, was *Æmilius Scaurus*,^c a person of high birth, of active spirit, factious, greedy of power, honours, and riches, but very skilful in concealing his vices. He observing in how open and shameless a manner the king's money was distributed among the senators, and apprehending lest such prostitute venality should rouse the popular indignation, laid a restraint, for the present, on his habitual covetousness.

The party, however, which favoured Jugurtha, pre-

^c He was afterward consul and prince of the senate, as we have observed, in the year 638.

vailed ; and it was voted that ten commissioners should be sent into Africa, to divide Numidia between the two rivals. At the head of these commissioners was L. Opimius, a person of great distinction, and at that time of great weight in the senate, because he had so cruelly executed the revenge of the nobles upon C. Gracchus and the commons. Though Opimius had been bought by Jugurtha, and had appeared his friend at Rome, yet, when that senator landed in Africa with the other commissioners, he was received with wonderful ceremony by the Numidian ; who, presently after, by rich presents in private, and a promise of richer, gained him so effectually, that he preferred the interest of the king's ambition to his own reputation, honour, and every other concern. The greater part of his colleagues were likewise gained to the king by the same means ; so that, in the division of Numidia, the most populous and most fertile provinces, which are those bordering upon Mauritania, were assigned to Jugurtha. Adherbal's share had a better appearance, as being better provided with harbours, and fine buildings, but in reality, had more of show than of strength.

Jugurtha perceiving, by this new partition of Numidia, that his crimes, instead of being punished, were rewarded by the Roman deputies, became perfectly convinced of the truth of what his friends at Numantia told him, that all things were venal at Rome ; and being likewise animated by the promises of those whom he had just loaded with presents, he boldly resolved to possess himself of the territory allotted to Adherbal. With this view, at the head of a great army, he made incursions upon his frontiers, carrying thence abundance of captives, cattle, and other booty, into his own dominions. He supposed that Adherbal would resent and revenge the injury, and, by making reprisals, furnish him with some shadow of pretence to commence a war in form. But Adherbal, being a weak and spiritless

prince, conscious of his inferiority to his brother, not only in troops, but in the art of war, and depending more upon the friendship of the Romans than upon his Numidian subjects, sent deputies to Jugurtha to complain of his depredations; and, though he received an insulting answer, he chose to bear every thing rather than to expose himself to an open war. Jugurtha finding that he could not provoke Adherbal to have recourse to arms, and being eager to attain his purpose, threw off all disguise, and with a numerous and regular army invaded his neighbour's kingdom, with a manifest purpose to make a conquest of it. Adherbal had now no other choice, but either to abandon his kingdom a second time, or attempt to defend it with the sword. He chose the latter. The armies of the two kings advanced to meet each other, and both encamped near Cirta. Jugurtha, the night following, surprised the camp of his enemy, and forced it. Adherbal, with a few horse, fled to Cirta, and, had it not been for a considerable number of Romans then in the town, who defended the walls against the pursuers, the same day had seen the beginning and end of the war between the two kings.

Jugurtha laid close siege to the place, employing his utmost efforts to take it before any message should arrive from Rome: for he had learnt that the distressed king had sent ambassadors thither before the late battle. The senate having advice, that the kings were at war, dispatched three young Romans to signify to both, that it was the will and appointment of the senate and people of Rome, they should desist from the war, and have recourse to reason, instead of arms, for terminating their differences. These ambassadors made the more expedition, because, while they were preparing for their departure, a report arrived (though not much credited) of the battle, and of the siege of Cirta. When, after their arrival, they had declared their commission to Jugurtha,

be answered to this effect, that there was nothing he so perfectly revered as the authority of the Roman senate—that from his earliest youth he had always endeavoured to behave himself so as to merit the approbation of every good man—that it was by a virtuous, not a vicious conduct, he had gained the favour of that great man, P. Scipio—that Micipsa, for the same reason, and not for want of sons, had adopted him—that the more praiseworthy his course of life had been, the less patiently was he able to bear with insults and injuries—that Adherbal had insidiously attempted his life; and that, for his part, he had only taken measures to preserve himself—that the Roman people would not do justly, if they had forbade him to defend what was his right by the law of nations; and he concluded with saying, that he would shortly send ambassadors to Rome, to satisfy the senate in every particular.

With this answer, and without having been permitted to see Adherbal, the ambassadors returned to Italy, while Jugurtha renewed his attacks on the place with fresh vigour.

Adherbal, after five months' siege, driven to extremity by famine, engaged two of his followers to attempt making their way through the enemy's quarters to the next seaport, and thence to Rome, with a letter from him to the senate. His messengers had the fortune to succeed; they arrived at Rome and delivered the letter. It contained a moving complaint of Jugurtha's unjust violence, and more cruel intentions. In the most pressing terms, he begged of the fathers, not that they would restore him to his kingdom (they might give that to whom they pleased; it was theirs): not that they would preserve him from death: but only that they would save him from falling into the hands of Jugurtha, the most cruel of men, and who would not fail to tear away his life by the most exquisite tortures.

Some of the fathers were of opinion, that they ought,

with all possible expedition, to send an army into Africa; and in the meantime, come to a resolution concerning what punishment should be inflicted on Jugurtha, for his disobedience to the orders of the senate. His friends however bestirred themselves so effectually in his behalf, that they hindered this advice from being followed. All that the favourers of Adherbal could obtain, was, that new commissioners, men of dignity and weight in the republic, should be sent into Africa to decide the differences between the two kings. At the head of these commissioners was *Æmilius Scaurus*, now prince of the senate. They set sail three days after their being named; and, landing at *Utica*, sent orders to *Jugurtha* to repair to them immediately, they having a message to him from the senate. The king was much disconcerted to find that men of such high rank and distinction were come to oppose his designs. But though he feared the resentment of the senate, should he disobey their orders, yet, urged by the eager desire he had to accomplish his grand design, he made a general assault, in hopes to carry the place at once, destroy his rival, and so leave nothing to be adjusted between them by the commissioners. Failing in this attempt, and fearing to provoke *Scaurus*, whom he chiefly dreaded, by any farther delay, he repaired to the commissioners, attended by a few of his cavalry, leaving the greater part of his army to continue the siege. Many useless conferences were held; terrible menaces were sounded by the commissioners, in the name of the senate, for his not having raised the siege. The Numidian heard them with much respect, but a total disregard as to any change of his measures. He trusted, doubtless, to his money; and *Scaurus* and his colleagues were not ashamed to return to Rome without having obtained any thing in favour of *Adherbal*.

When the ill success of this commission was once known at *Cirta*, the Italians, by whose steady courage

the town had been chiefly defended, and who hoped they should be spared out of respect to Rome, advised Adherbal to surrender himself and the city to Jugurtha, to covenant only for his life, and leave the rest to the senate. The unhappy prince, knowing that it was in their power to force him to a compliance, followed their advice. Jugurtha, admitted into the place, discharged his first fury upon Adherbal, whom he put to death by torture; and then massacred all whom he found in arms, whether Numidians or strangers.

Notwithstanding this new murder, with all its aggravating circumstances, Jugurtha did not want advocates, who, when the matter was brought before the senate, endeavoured to extenuate the crime, and lessen the horror of it in the minds of those whom at first it had extremely shocked: and so assiduous were these pensioners of the king in his defence, that if C. Memmius, tribune of the people elect, a man of spirit, and a declared enemy to the usurped power of the nobles, had not fully apprised the Roman people, that a few leading men of a faction were bent upon screening Jugurtha from the punishment due to his crimes, the affair had been entirely dropped; such a mighty influence had the gold of Jugurtha upon the minds of the venerable fathers.

But when the senate, conscious of their own guilt, began in earnest to fear the people's resentment, they
B. 6. c. 10. (in conformity to the Sempronian law) decreed that the provinces of the consuls elect should be Italy and Numidia. Numidia fell to L. Capurnius Bestia, Italy to P. Scipio Nasica. Soon after an army was enrolled for the expedition into Africa, and all the funds decreed for its support.

Jugurtha receiving advice, that, contrary to his expectation, the Romans were determined to commence a war against him, dispatched his son and two of his most trusty friends to the senate, with private orders

(like those which he had formerly given to his ambassadors on occasion of the murder of Hiempsal) to buy every man that was to be purchased. But when these drew near to Rome, Bestia moved to know the pleasure of the senate, whether they should be admitted within the walls, or not. Whereupon it was decreed, that unless they were come to surrender both the king and his kingdom, they should leave Italy in ten days. The consul signified to them this resolution, and they returned to Numidia.

Bestia, in the meanwhile, having completed his troops, chose for his lieutenants, men eminent by their quality, and no less distinguished for their skill in intrigues (among whom was Scaurus, beforementioned), under the shelter of whose authority he flattered himself he might, with impunity, do whatever his passions should dictate. The consul was a brave man, patient of fatigues, a vigilant and able general; but these excellent qualities were rendered fruitless by a sordid avarice; so that, though, upon his first entering into Numidia, he acted with vigour, yet Jugurtha being informed of his ruling passion, very soon made court to it with success. Scaurus entered into the infamous traffic; and it was not the first time that he had been corrupted by Jugurtha's gold. The king, at first, had hoped no more than to purchase a suspension of the war, while he might carry on his intrigues at Rome; but when he learned from his agents that they had entirely gained Scaurus, he presently entertained the flattering project of concluding a peace, in person, with these worthy generals. But, before he repaired to the consul, he took care to have a hostage for his security. Sextus, the quæstor, was dispatched to Vacca, a town belonging to Jugurtha, under pretence of receiving a quantity of corn which Calpurnius had publicly ordered the king's deputies to provide, there being now a truce in order to the king's surrendry in form.

When Jugurtha was come to the Roman camp, Calpurnius, to blind the public, assembled his council, where the king, after making a short apology for his conduct, offered to surrender himself and his kingdom to the senate and people of Rome. The particular conditions were adjusted in private with Calpurnius and Scaurus; and, the next day, the king's surrendry was formally accepted by the council, as if the terms had been regularly debated, and unanimously approved; and, in pursuance of an order of the council, thirty elephants, some cattle, and a considerable number of horses, with a small sum of money, were delivered up to the quæstor. The peace thus concluded, the consul, leaving his army behind him, returned home, to preside in the *comitia* for the election of magistrates.

When the transactions in Africa, and the manner in which they had been carried on, were publicly known at Rome, they became the matter of common conversation in all companies, and were every where spoken of by the people with detestation. The senate knew not what resolution to take, whether to disavow or ratify the shameful treaty made by their consul. What chiefly hindered them from breaking it, was the great influence of Scaurus, said to have been the adviser and associate of Bestia in the late transactions. The anger and indignation of the tribune Memmius, before spoken of, brought them to a determination. Having called the people together, he upbraided them with their servile patience under oppression from the nobles; with having infamously suffered their protectors and defenders to perish undefended and unrevenged; and with fearing, even now, those whom they ought to make tremble, and whom they saw lying at their mercy. "I mean not to excite you to arms in order to do yourselves justice, a method our forefathers had frequent recourse to; there is no need of violence, none of seceding; the oppressors have taken infallible measures for their own de-

struction. When they had cut off T. Gracchus, whom they charged with aiming at the sovereignty, terrible were the prosecutions against the people of Rome. After they had slain C. Gracchus and M. Fulvius, they put great numbers of the plebeians to death in prison; nor were they induced to end those violent proceedings, by any regard which they had to the laws, but by their own caprice. Well; let the attempt to restore to the commons their rights pass for a design to seize the government; be it, that it was lawful, even by spilling the blood of Roman citizens, to revenge an offence which could not otherwise be revenged. Let us grant these things. But have you not seen with indignation, though you winked at it, and said nothing, the public treasury robbed, kings and republics paying taxes to a few of the nobility, who engrossed to themselves all the honours and all the riches of the state? Nor were they content to commit these iniquities with impunity; but at length our laws, the majesty of the Roman people, all things divine and human, were betrayed by them to a foreign enemy. Nor do the guilty feel any shame or sorrow for what they have done; they stalk magnificent before your eyes, boasting of their sacerdotal and consular dignities, and some, of their triumphs; as if they really prized these things for the honour, not the lucre, which they brought. Slaves, purchased with money, obey not the unjust commands of their masters; and will you, Romans, who are born to empire, tamely endure to be enslaved? But who are they that have thus possessed themselves of the commonwealth? The most flagitious of men, with hands imbrued in blood, insatiably covetous, men of matchless wickedness, and matchless arrogance, who make a traffic of faith, honour, religion, disregarding all distinction of right and wrong. Some have provided for their own safety by murdering your tribunes, others by unjust prosecutions, the greater part by massacres of the commons; and thus, the more

loaded any man is with crimes, the more secure he is from punishment. Yet, instead of fearing you, after so many crimes, they take advantage of your want of spirit to make you fear them. As they have, all, the same objects of hate, desire, and fear, they are thence united. And this union among good men is friendship ; among bad men, faction.—But will not you exert your endeavours to throw off the yoke of these men, and to maintain that liberty which your forefathers procured to themselves by their virtue, and delivered down to you ? You will ask me, perhaps, what measures I would advise ? My answer is, I would have you prosecute the betrayers of the republic ; not in the way of vengeful violence, not by acts of power, but by the method of legal process, and by the evidence of Jugurtha, who, if he has in good earnest made a surrendry of himself and his kingdom to the Roman people, will be obedient to your orders. If he slight them, you may thereby judge what sort of peace and surrendry that is, by virtue of which Jugurtha reaps impunity for his crimes, a few great men immense riches, and the republic nothing but loss and disgrace. But perhaps you are not yet weary of their domination, and, rather than do as I advise, choose to have kingdoms, provinces, laws, rights, tribunals, war and peace, in short, every thing divine and human, depend on the will of a few men ; while you, the Roman people, victorious over all your enemies abroad, and giving laws to other nations, are content with barely living and breathing. For who among you has had the resolution to refuse the yoke of servitude ? But, though I think it very dishonourable to have suffered an injury without revenging it, I could well enough bear that you should pardon these guilty men, because they are your fellow-citizens, if it were not, that your mercy to them would be destruction to yourselves ; for so obstinately bent are they upon evil, that they would think it nothing to have escaped punishment for the

mischief they have done, unless they might thence be authorized to continue their wicked courses; and you will find yourselves under a necessity of submitting to perpetual servitude, or of defending your liberty by force of arms.—

“ I advise you, therefore, once more, and exhort you, not to let so great iniquity escape unpunished. The matter in question, at present, is, not any embezzlement of the public money, any oppression of our allies by extortion; those crimes, though of a very heinous nature, are grown so customary as to be overlooked. The authority of the senate, the empire of the Roman people, the commonwealth itself, has been set to sale both at home and abroad; and unless strict inquiry be made into this misconduct, and the guilty be punished, what remains for us but to live in bondage under their tyranny? For to do with impunity whatever a man pleases, is to be a king.

“ After all, my intention, Romans, is not to raise in your minds a wish that your fellow-citizens may be found guilty rather than innocent, but only to exhort you not to pardon the guilty to the ruin of the innocent. Consider, that, in the affair of government, it is not of so ill consequence to forget a benefit done to the public, as to forget an injury. A good man, if he be neglected, will only be the less active in doing good; but a bad man more active in doing evil. Besides, if the state suffers no injury from bad men, it seldom wants any assistance from the good.”

Memmius, by frequently haranguing the people in this strain, persuaded them to send L. Cassius (at this time prætor) into Africa, to bring Jugurtha thence to Rome, upon the public faith; that, by the evidence of the king himself, Scaurus, and the rest, who were accused of taking the king's money, might be convicted.

While these things were doing at Rome, those who were left by Bestia to command the army in Numidia,

following the example of their general, became guilty of the most scandalous practices. Some, corrupted by Jugurtha's gold, restored to him his elephants; others sold him his deserters; others again plundered countries with which the Romans were not at war. To so excessive a degree had a spirit of covetousness prevailed, and, like a plague, infected them all!

Cassius had not much difficulty in persuading the king to make trial of the clemency of the Roman people, rather than of their power; and the prætor's character of integrity was such, that, having privately engaged his own faith for Jugurtha's safe return, this prince considered it as a security equal to that of the public faith.

The Numidian, when he came to Rome with Cassius, appeared not in the magnificence of a king, but in the garb and with the behaviour of a person in distress. Memmius assembled the people. Their rage against Jugurtha was such, that some of them were for laying him in irons, others for putting him to death without delay, unless he discovered his associates in wickedness. Yet the tribune, more studious to maintain the dignity of the Roman people, than to gratify their anger, declared, that, for himself, he would have no part in violating the public faith. After which, having ordered silence, and Jugurtha being brought forth, the tribune rehearsed all his foul deeds in Numidia, and (by his agents) at Rome, giving him to understand, that, though the Roman people knew by whose advice and assistance he had perpetrated all his crimes against that father who adopted him, and against the two sons of that father, yet they were desirous to have a more distinct information from himself; which information, if he faithfully gave, he might hope much from the honour and clemency of the Roman people; but if he suppressed the truth, he would not thereby save his accomplices, but ruin himself and all his hopes. When Memmius had ended these words, and the assembly were all

attention to hear what the king would answer, Boëbius, another of the tribunes, instantly called out, forbidding the king to speak. The multitude expressed their indignation by clamour, menacing looks and gestures, and, in short, all the ways by which violent anger is used to express itself, in order to deter him from his purpose. Nevertheless, as he had received an ample bribe, impudence carried it. The people, thus fooled, broke up the assembly, and separated. There was at this time at Rome a certain Numidian, named Massiva, the son of Gulussa, and grandson of Masinissa, who, upon the surrendry of Cirta, and the murder of Adherbal, had fled from Africa, because he had been against Jugurtha in that quarrel. Sp. Albinus, who, with Q. Minucius Rufus, succeeded Bestia in the consulship, and to whom the conduct of the war in Numidia had fallen by lot, persuaded Massiva to sue the senate for the kingdom of Numidia, since he was descended from Masinissa, and since Jugurtha, by his atrocious deeds, had made himself both feared and detested. Massiva, readily listening to the advice, made and pressed his suit to the senate. Jugurtha, finding his friends begin to fail him, some of them being restrained by a consciousness of guilt, others by the ill repute they were already in, and the fear of increasing their infamy, ordered Bomilcar, his most intimate and most trusty confidant, to hire assassins to take off Massiva, secretly if possible; if not, in any way that it could be done. The confidant quickly found persons qualified for such work: these informed themselves of all Massiva's daily motions and haunts; and, when the business could be no longer deferred, one of the ruffians, who had waylaid him, did it effectually, but with so little caution, that he was seized in the very fact; and being urged by many, and especially by the consul Albinus, confessed who had employed him. Bomilcar was arraigned for the murder, but more agreeably to natural justice than to the law of nations, he

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being one of Jugurtha's retinue, who had come to Rome upon the public faith. Jugurtha, though manifestly guilty of the murder, spared no pains to bear down the truth, till he perceived that the odium of the fact was not to be stifled by favour or money; and then, though he had engaged fifty of his friends to be sureties for Bomilcar's appearance, yet, being more concerned for the preservation of his kingdom than the safety of the sureties, and fearing lest the rest of his subjects would not dare to obey him, if Bomilcar, for his obedience, should be punished, he sent him off privately into Numidia. And, in a few days after, he himself departed, being ordered by the senate to leave Italy. It is reported of him, that when he was got out of Rome, he frequently looked back upon the city without saying a word; but at length broke out—"O venal city, ripe for destruction, and ready to sell thyself, whenever there shall be found a purchaser!"

And now the consul Albinus, with the utmost diligence, prepared all necessaries for the army, and soon appeared there himself, eagerly bent on putting a speedy issue to the war, either by treaty or victory, before the new elections, which were not far off, could give him a successor. On the other hand, Jugurtha endeavoured by all means to gain time. One while, he would promise to surrender himself; and, presently after, pretend distrust; now, he would retire before the Romans, and then, in his turn, press hard upon them, that he might not discourage his own men. The war being thus protracted till near the time for the election of consuls, Albinus left his brother Aulus, in quality of proprætor, to command the army, and returned to Rome, without having done any thing either in the way of arms, or by negotiation; which made many conjecture, that he had secret intelligence with the king; for they could not believe that, after such diligent preparations for war, it could be so easily protracted by indolence alone, without fraud.

The elections at Rome happened to be retarded by quarrels among the tribunes ; two of whom endeavoured to get themselves continued in their office for another year. Aulus imagined that these domestic broils would give him time to finish the war by a victory ; or, at least, by the terror of his arms, to draw a good sum from Jugurtha. In the month of January, therefore, he drew his forces out of their winter-quarters, and, by long marches, in very bad weather, led them to a town called Suthul, where the king had deposited his treasures. It was surrounded with a strong wall, and stood on the top of a steep hill, and, at the foot of this hill was a muddy marsh, formed by the winter-floods, which made the place inaccessible ; nevertheless, either really blinded by his avarice, or as a feint to terrify the king, he erected moveable galleries, threw up trenches, and made all the other preparations for a siege.

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Jugurtha, perceiving the vanity and weakness of the man, artfully contrived to heighten his presumption, by sending to him frequent offers of submission, and by pretending great fear, that made him keep with his army in places difficult of access. At length, by giving Aulus hopes of a good bargain, he drew him from Suthul, into a retired part of the country, whither the Roman followed him, as if he pursued a flying enemy, but, in reality, that their infamous traffic might be the better concealed. In the meanwhile, the king, by his emissaries, practised with some officers of the Roman army to desert to him, or abandon their posts upon a signal given. His negotiations succeeding to his wish, he, on a sudden, in the dead of night, surrounded the camp of Aulus. A cohort of Ligurians, and two troops of Thracian horse, went over to Jugurtha ; and the first centurion of the third legion, abandoning that part of the rampart which he had been appointed to defend, gave the enemy entrance into the camp. Most of the Romans threw down their arms, and fled to a neighbouring

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hill, where, when Jugurtha had the next day invested them, he signified to Aulus, in a parley, that though, both by famine and the sword, he had him and his army at mercy, yet, sensible of the instability of human affairs, he was willing, in case Aulus would conclude a treaty of peace, to grant him and his soldiers life and liberty, on condition of their passing under the yoke (a gallows), and quitting Numidia in ten days. Hard and ignominious as these terms were, death, otherwise inevitable, terrified the Romans into a submission.

It may well be imagined, that the anger of the people of Rome, and especially of the braver sort, was raised to a high pitch against Aulus, on the first news of the late scandalous treaty. The consul Albinus, fearing the odium which might be brought upon him, on account of his brother's ill behaviour, and fearing likewise the danger which might attend that odium, had recourse to the senate for their judgment concerning the late treaty. The fathers decreed that no treaty could be binding which was made without the authority of the senate and people of Rome. But though Albinus had raised recruits for the army, and got auxiliary forces from the allies, he was not suffered by the tribunes of the commons to carry with him those troops into Africa. However, he went thither himself. His army had, according to the late agreement, quitted Numidia, and were now in winter-quarters in the Roman province. After his arrival, he would gladly have gone in quest of Jugurtha, in order to lessen, by some exploit, the odium occasioned by his brother's ill conduct, yet, remembering the shameful flight of the soldiers, and the licentiousness they were fallen into, through a total neglect of discipline, he thought it most advisable to attempt nothing.

In the meanwhile, C. Mamilius Limetanus, one of the tribunes, preferred a bill to the people at Rome for appointing commissioners to make inquiry after those

by whose encouragement Jugurtha had slighted the decrees of the senate ; those ambassadors or generals who had taken the king's money ; those who had delivered him up his elephants and deserters ; and those who had made any conventions with him relating to peace or war ; and to draw up informations against the offenders, in order to their trial. The guilty, though they durst not openly oppose this bill, used all clandestine means possible, by the agency of their friends, and especially those among the Latin and other Italian allies, to defeat the measure. But all their intrigues were ineffectual, the people being incredibly zealous on this occasion, more from hatred to the nobles, against whom the bill was levelled, than from any concern for the common weal. So violent was party rage at that time ! Now, while the rest of the nobility were struck with fear, M. Scaurus, who had been lieutenant to Bestia, as was abovementioned, found means in the hurry and confusion the city was in, by the stormy exultations of the commonalty, and the flight of the patricians, to get himself appointed one of the three inquisitors, who, by the Mamilian law, were to take cognizance of the matters in question. But though he had such an amazing influence as to be chosen one of the triumvirs, it seems that he had not sufficient to screen his associates in iniquity. It is remarkable that Sallust does not mention the persons who were arraigned and condemned on this occasion ; but says, that the prosecutions were carried on with great severity and violence, according to the then prevailing caprice of the commons, who now grew insolent upon victory, as the nobles had often done before.

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On this occasion Sallust falls into a digression concerning the rise [that is, the revival] of the opposite factions at Rome. His words are observable, and are to this effect :

“ The distinction of the people and senate into oppo-

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site factions, with all the evils that followed it, arose at Rome, not many years before ; and was the effect of profound repose, and a full enjoyment of those things which are in the highest estimation among men. For, before the destruction of Carthage, the people and senate proceeded with much temper and concord in the administration of the state : neither was there any contention among the citizens for superiority and pre-eminence. The fear of their foreign enemies preserved good order in the whole community ; but, as soon as they were rid of that fear, then instantly rushed in ambition and debauchery, excesses which prosperity delights in. Insomuch that the peace and repose which they had so passionately wished for in times of war and public danger, proved, now they had obtained it, more destructive and calamitous than either ; for now the nobility began to turn their dignity into tyranny, the people their liberty into licentiousness : and each individual considering only himself, studied nothing but to gain wealth by every means possible.

“ Thus, whilst the two parties were quarrelling and fighting for power, the commonwealth, which lay between them, was miserably rent in pieces. It must be owned, that, in the efforts of faction, the nobility proved the more prevalent ; the authority of the populace, as it is loose and diffused, was found to be of inferior force in the hands of a multitude : so that war abroad, and all affairs at home, were wholly managed by a few men ; in their disposal lay the treasury, the provinces, the several magistracies, public dignities and triumphs. The commonalty were oppressed by poverty, and by serving in the armies ; while the spoils of victory were engrossed by the generals, and a few grandees. Nay the parents and children of those very soldiers were, at the same time, driven out of their rightful settlements, if they chanced but to border upon a great man's estate. In this manner did avarice, supported by

power, insolently, and unmeasurably, invade, violate, and lay waste all things: utterly regardless of justice, and even of common prudence, till, with a blind precipitation, it ran furious to its own perdition. For, from the moment that, amongst the nobility, there arose such as preferred genuine glory to usurped power, the state was in an uproar, and such civil feuds ensued, as if the universe had been tumbling into a chaos.

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“ For after T. Gracchus and his brother Caius, men whose ancestors had, in the Punic and other wars, done signal service to the state, began to assert the liberties of the commons, and expose the wickedness of the oligarchy, the nobles, conscious of their own guilt, and thence sorely dismayed, had recourse sometimes to the aid of our Italian allies, and to such as enjoyed the rights of Latium; sometimes to the Roman knights, whom the hopes of a confederacy in power with the patricians had detached from the interest of the commons; and, thus assisted, set themselves forcibly to defeat the pursuits of the Gracchi. First, they assassinated Tiberius, while a tribune of the people: a few years after Caius, while a triumvir for planting new colonies; and, with him, his colleague Marcus Fulvius Flaccus. And, in truth, the Gracchi, from an eager desire of carrying their point, in some instances shewed a want of temper. But a good man would choose rather to suffer an injustice, than, by unjust measures, to ward against it. The victory which [by the worst of means] the nobles obtained against the Gracchi, they made a most insolent use of, dooming numbers of citizens to death, or to banishment; measures which rather weakened than strengthened the foundation of their own power. For it has proved the ruin of many great states, that the contending parties therein have been bent upon gaining victory at any rate, that they might wreak their vengeance on the vanquished.”

It is said that the triumvirs proceeded with great

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severity, which, if we consider that Scaurus was one of them, is as strange and unaccountable as that he should have been chosen to that office. L. Opimius, Sp. Albinus, Calpurnius Bestia, and C. Cato, all men of consular dignity, were condemned ; as also Sulp. Galba, one of the pontifical college, the first priest, according to Cicero, who was condemned by a public sentence. As for Opimius, the memory of his cruelties, in the affair of C. Gracchus, was so fresh, that the people had no compassion for him ; and he was obliged, says Plutarch, to pass his old age in the dishonour and shame which he had brought upon himself by his avarice and corruption. Yet Cicero laments the fate of this Opimius, calls him *Præstantissimus* ; and says he was the only Roman that, having deserved well of the republic, was ever condemned by the people ; and complains, that he, who had left so illustrious a monument in the forum, should have his own monument, his sepulchre, totally neglected on the shore of Dyrrhachium. By the monument, which Opimius left in the forum, the orator doubtless means the temple which Opimius erected to Concord, in memory of his having humbled and quieted the people by a massacre of 3,000 of the citizens. The same writer calls the judges who condemned Opimius and his associates, *Gracchani iudices* ; by which it would seem he means the Roman knights, to whom, by a law of C. Gracchus, the right of judging had been transferred. Yet, as the judges, whoever they were, must have formed their sentence by the report of the commissioners, of whom Scaurus, prince of the senate, was the chief, a man whom Cicero calls the guardian of the republic, declaring that he not only admired him, but loved him ; it is very strange that the report should be so little in favour of a person who had deserved so well of the republic as the orator would have us think Opimius had done.

Q. Cæcilius Metellus, the son of Calvus, and nephew

of Macedonicus, was now raised to the consulship with M. Junius Silanus. The province of Numidia fell by lot to Metellus, who, having no confidence in the old army, made new levies with great diligence, and got together vast quantities of provisions, arms, and all things necessary for a difficult war. Though Metellus, says Sallust, was of a contrary party to the people, yet on account of his good qualities, and especially because he was proof against corruption [by money], a necessary virtue at this juncture, they conceived great hopes of his success. The consul chose C. Marius and P. Rutilius for his lieutenants. At his arrival in Numidia, he found the troops so extremely dissolute, so unfit for action, or for enduring fatigue, that, though he knew the Roman people impatiently expected an end of the war, he would not venture to lead the army against the enemy, till he had restored the ancient discipline. Even the common soldiers were grown too indolent to make their own bread, or dress their own victuals; they sold their allowance of corn, and bought bread, and victuals ready dressed; and they kept servants, and beasts of burden, to fetch wood, and do all other drudgery, which they should have done themselves. Metellus set himself to rectify these disorders; and, while he was thus employed, Jugurtha, who had intelligence of his proceedings, and knew he was not to be bribed, began now to be really afraid, and to think seriously of surrendering himself. To this end, he sent ambassadors to the Roman general, with humble assurances that, if he might have his own life and the lives of his children granted, he was ready to yield every thing else to the pleasure of the Roman people. But Metellus, considering the Numidians as a faithless people, fickle, and fond of change, instead of hearkening in earnest to the embassy, secretly tampered with the ambassadors, each of them separately; and, finding them fit for his purpose, engaged them by large promises to deliver up to

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him Jugurtha, alive, if possible, and, if that could not be done, his dead body. In public, the consul gave such an answer to the ambassadors as the king had wished. Not many days after this, Metellus marched his forces into Numidia, where he found not any thing like a face of war. The country houses were full of inhabitants, the fields covered with cattle, and the husbandmen at work in their farms, as in a time of profound peace. From the towns the king's officers came out, and met the consul, offering to furnish him with provisions, and with carriages; and, in a word, to obey all his commands. Nevertheless he marched on with the same caution as if the enemy had been near at hand, causing the country on all sides to be viewed a great way round, because he suspected those tokens of submission to be mere feints, and to be employed to cover some insidious purpose. For Jugurtha was so full of guile, and so expert a general, that it was difficult to determine whether he were more to be feared, absent or present, in peace or in war.

Not far from the route that Metellus kept, there was a Numidian city called Vacca, the most flourishing mart in the whole kingdom, and in which were settled many Italian merchants. Here the consul placed a garrison, both for the sake of trying whether this would be quietly borne, and for the conveniency of the army, which, by the means of so many traders, might be amply supplied with every thing necessary.

In the meanwhile Jugurtha, by repeated embassies, implored peace; offering to surrender every thing to Metellus without any condition but his own life, and the lives of his children. The consul bribed the last ambassadors, as he had done the former, to deliver up their master to him; and then dismissed them, without either refusing or promising the king the peace he desired, expecting every hour the execution of the promises of those he had corrupted.

When Jugurtha compared the words of Metellus with his actions, and perceived that arts and devices, like his own, were employed against him; that he had only words of peace from the consul, and war in fact; that he had lost his principal city; that the enemy became acquainted with his country, and that his people were excited to revolt; he resolved, being thus constrained by necessity, to try the fortune of arms. With this view, having learnt the route taken by the Romans, and gathering hopes of victory from the advantages of a certain spot where he could post himself, he raised as great a force as he could, and by private ways got before the army of Metellus.

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At a few miles'^k distance from the river Muthul, which ran from the south, there stood, parallel to the river, a waste uncultivated mountain. Over this mountain the consul must needs pass in pursuing his march. In the midway between the mountain and the river rose a high hill, covered with wild olives, myrtles, and such trees as delight in a dry sandy soil; the plain around it being barren and desert, except those parts that were nearest the river. Along this hill Jugurtha posted himself with all his cavalry, and a body of chosen infantry; the whole extended in a long line, not deep in file. He gave the command of his elephants, and part of the foot, to Bomilcar, posting him in that part of the line which was next the river.

After this disposition, he passed through the several divisions of his troops, urging them to call to mind

^g The usual reading is twenty miles. But this seems to be a mistake of the transcribers. For it is evident from the context, that the mountain was not far from the river, probably not above three miles at most. Mr. Gordon and other translators of Sallust, by not sufficiently attending to the story, have bestowed admirable senses on the Romans: for, according to them, Metellus descries [without the help of glasses] the Numidians in ambush at ten miles' distance, and, at the same distance, his lieutenant Rutilius hears the shouts of the two armies when engaged in fight. That the copyist made a mistake in the number of miles, one of the annotators (in the Var. edit.) thinks to be certain, for this reason, that it was impossible for Rutilius to do in one day what he is said to have done, if the mountain had been twenty miles from the river.—*Nec enim fieri potuit, ut Rutilius ab hoc monte præmissus a Metello ad flumen, uno eodemque die eo pervenerit, castra munierit, et—rursus redierit ad Metellum, si tantum spatii interfuisset.* URSIN.

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their former bravery and success ; and to defend themselves, and his dominions, from Roman covetousness ; told them, that they were going to engage with those whom they had before vanquished, and constrained to pass under the yoke, cowards, who had only changed their general, not their hearts. He added, that he had taken all the precautions of a provident general to secure to them the victory ; that they had the advantage of the ground, surpassed the enemy in number, and were better soldiers. While the king was thus encouraging his men, and instructing them to keep themselves ready to fall on, Metellus, who as yet knew nothing of the enemy, was coming with his legions down the mountain. When he first descried Jugurtha's army in ambush, he knew not what to make of the unusual appearance ; for the objects were not distinct, yet the trees and bushes did not sufficiently conceal the Numidians and their horses. It was not long before he discovered the king's stratagem : whereupon he made a halt, and changed the disposition of his troops, strengthening that side which was next the enemy, and then marched down into the plain. Perceiving that the Numidians did not stir from their post, and fearing lest his army should be distressed by thirst, in a parched and barren soil, he sent forward Rutilius, one of his lieutenants, with some light cohorts, and a part of the cavalry, to mark out a camp near the river ; for he imagined that the Numidians would retard his march by frequent attacks, and, since they durst not venture a pitched battle, attempt to weary out his men with labour and thirst. He then moved on slowly. Jugurtha no sooner perceived that the rear of the Romans had passed his front, than he detached 2,000 foot to possess themselves of that part of the mountain by which the Roman army had descended, that it might not serve for a place of retreat to them, in case they were routed. This done, he sounded a charge, and, attacking them in

the rear, and on both flanks, at the same instant, threw them into some disorder. The efforts of those who made the stoutest opposition were eluded by the manner in which the Numidians fought, by whose missive weapons they were wounded, while unable to bring them to a close engagement. For Jugurtha's cavalry, whenever they were pressed, did not retire in a body, or to any one place, but dispersed themselves as widely as possible, and, if the Romans did the like in order to pursue them, the Numidians turned short upon the pursuers, and being the more numerous, were sure to have the advantage. And when, to shun the vengeful fury of their enemies, the hill seemed to offer them a more secure retreat than the plain, their horses could easily make their way through the thickets, while the horses of the Romans, not being used to that work, were not able to follow them.

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Jugurtha and Metellus shewed themselves, on this occasion, to be able generals, and the victory was long contested between them. Metellus's soldiers were better than those of the king, but the king had the advantage in numbers, and in situation. The Romans, being aware that they had no retreat, and that they could not bring the enemy to a close engagement, found it necessary, especially as the night was coming on, to force them, if possible, in their post on the hill. Exerting their utmost strength and bravery, in this attempt they succeeded; yet few of the Numidians were slain, which was owing to their swiftness, and the Romans being unacquainted with the country.

During this conflict, Bomilcar, to whom (as was before observed) the king had given the command of the elephants, and a part of the infantry, had, at a distance, followed Rutilius, whom the consul had sent before to mark out a camp near the river: and, when the Numidian, having learnt, by his scouts, that Rutilius was encamped, heard the shouts of the two armies that were

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engaged, imagining that perhaps Rutilius would return to the assistance of his general, he extended his troops in such a manner as he thought was necessary to intercept him, and, in that disposition, advanced towards the Roman camp. The Romans, though surprised at his sudden appearance, drew themselves up in order so expeditiously as to be ready to receive the charge, which they did with great resolution. The battle did not last longer than while the Numidians had hope in their elephants; and finding these beasts, by reason of the trees and bushes that hampered them, become wholly unserviceable, they threw down their arms and fled, escaping by favour of the night. Four of the elephants were taken; the rest, forty in number, were killed. After this victory, the victors, uneasy because Metellus had stayed longer than they expected, advanced in good order, to seek him. He, in the meantime, was marching towards the river, and it being dark, the two parties, on their approach, mistook each other for the enemy. A battle would have ensued, if some horsemen, detached to get intelligence, had not discovered the truth.

Metellus continued four days in the same camp, and thence sent out spies to learn what was become of Jugurtha, how he was employed, whether he was still master of an army, and how he bore his defeat.

The king had retired into places difficult of access, and was there collecting a more numerous army than he had before; but chiefly of husbandmen and peasants; for after a defeat none of the Numidians follow the king except his horse-guards, but each man retires whither his inclinations lead him; nor does this bring any stain upon their honour, it being the custom of the nation.

Metellus perceiving, by this account, that the king's spirit was not yet broken by his defeats, and considering that it was impossible to force him to fight but upon his own terms, and that the Romans lost more men by

a victory, than the Numidians by being vanquished, resolved to change his manner of carrying on the war. He led his forces into the most fertile parts of the country, laid waste the lands, burnt many small towns and castles, put all the youth able to bear arms to the sword, and gave up every thing else as a prey to his soldiers. This proceeding spread such a universal terror, that great numbers of the inhabitants submitted to the Romans, gave hostages, and supplied the army with corn and other necessaries in abundance. Garrisons also were readily received wherever Metellus thought fit to place them. By these measures Jugurtha found himself more distressed than by the defeat he had lately suffered, being now obliged to pursue an enemy, on the avoiding of whom he had once built his whole hope of safety. However, he did not pursue with his whole force, because he would not, on any terms, hazard a general engagement; but, causing the main strength of his army to keep together in a proper situation, he, by private roads, and in the night, attended the motions of Metellus with a chosen body of horse, and, falling suddenly on some parties of Roman soldiers that had roamed from the army, and were strolling about the country, slew a great number of them, and took many prisoners; nor did a single man escape unhurt. After which he, according to the African method of making war, again disappeared.^h

In the meantime, the news of the consul's progress had caused a mighty joy at Rome; Metellus was the great subject of popular applause. "He had conducted himself and his army after the old Roman manner: by resolute bravery he had gained a victory over enemies who had the advantage of the ground; he had possessed himself of their country; and had driven Jugurtha

^h This year M. Æmilius Scaurus and Livius Drusus were censors. Livius dying, the law required that Scaurus should abdicate; yet he refused to do it, till some of the tribunes of the commons threatened to put him in prison, if he did not obey. Plut. in Quæst. Rom. p. 276.

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(elated by the base and dastardly behaviour of Aulus) to seek a refuge in wilds and deserts." For all these favours of Heaven, the senate decreed thanksgiving to the immortal gods; and, when the consular fasces were transferred to Serv. Sulpitius Galba and M. Aurelius Scaurus, for the new year, the senate continued Metellus in his command of the army, with the title of proconsul.

The honours done to the merit of this general made him more eager than ever to complete his glory by a final victory: yet all his marches and motions were with the utmost caution. That he might spread more widely the terror of the Roman arms, he divided the troops between himself and Marius; the two leaders marching and encamping separately, yet not at too great a distance to be able to succour each other on occasion.

Jugurtha, by sudden irruptions and frequent attacks, kept the Roman legions in continual alarm, and yet found means to avoid a battle; which Metellus having, for some time, experienced, he resolved to lay siege to Zama, a considerable town, and of great strength, in hopes that the king would lead his army thither to relieve it. The king, receiving early notice of the proconsul's design, got to Zama before him, and strengthened the garrison with a body of deserters, promising the inhabitants at the same time that he would hasten to their succour. And, accordingly, while Metellus was busy in an assault upon the town, and the soldiers, whom he had appointed to guard his camp, were negligently beholding the action, the Numidian appeared on a sudden, and forced his way into the camp by one of the gates. The consul, upon notice, dispatched all the Roman cavalry, and, soon after, Marius with the infantry of the allies, to repel the enemy; and the king did not long abide the charge, but retired to a place of security. Next day Metellus having posted all his horse on that side of his camp which Jugurtha had assaulted,

renewed his attacks on Zama. The Numidian appeared again, fell suddenly upon the Roman cavalry, and put the foremost ranks into disorder. As he had mixed some foot with his horse, his troops stood firmly to the charge, and the engagement was long and obstinate. Metellus finding, after some time, that he could neither take the town, nor force Jugurtha to a pitched battle, thought proper to raise the siege; and, the season being far advanced, he retired into that part of the Roman province which lay nearest to Numidia, and there passed the winter. But he did not spend it in idleness; for since the way of arms had not succeeded to his mind, he applied himself to destroy the king by the treachery of his own friends. To this end, having contrived to draw Bomilcar (Jugurtha's chief favourite before spoken of) to a private conference, he solemnly promised him that the senate should grant him pardon, and the possession of all his effects, if he would deliver up the king either alive or dead. It is said that Bomilcar was easily prevailed upon; because he feared, lest, if a peace with Rome were concluded, he should be given up to punishment for the murder of Massiva. Yet it would seem that he made some scruple to assassinate his master; for, at this time, he only endeavoured to persuade him to a voluntary surrendry, exhorting him to take pity upon himself, his children, and his subjects, and to consider that he had sufficiently tried his fortune; that his kingdom was now much weakened; that the Numidians had long suffered all the calamities of war, and might consult their own safety, if he neglected it. At last Jugurtha consented to send ambassadors to the proconsul, with an offer to submit to whatever conditions of peace he should think fit to prescribe him. Metellus, by the advice of his council, first ordered him to pay 200,000 pounds' weight of silver, to deliver up all his elephants, and a certain quantity of arms and horses; all which he executed punctually. The proconsul then

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demanded that he should yield up the deserters.ⁱ Jugurtha obeyed in this also, and gave up the much greater part of them ; some few, in the beginning of the negotiation, had escaped to Bocchus king of Mauritania. But when, lastly, the Numidian was ordered to repair to Tisidium, there to receive farther directions, he began to hesitate. Conscious of his crimes, and fearing lest their due punishment was approaching, he spent several days without having power to come to any resolution. At length, the terrible apprehension of being precipitated from the height of royalty, to the low condition of a slave, determined him to try once more the chance of war.

Sallust reports, that, about this time, Caius Marius, being in winter-quarters at Utica, and having offered certain sacrifices to the gods, was told by a diviner [an *haruspex*], that great and wonderful favours to him were prognosticated in the entrails of the victims ; and he might, therefore, boldly pursue whatever designs he had formed, secure of success by the protection and assistance of the heavenly powers. The historian adds, that Marius had, before this, been seized with an ardent desire of the consulship,^k and that, excepting a noble birth, he had, in truth, every qualification requisite for rising to that high station : industry, probity, great military skill ; in the field, the high and daring spirit of a warrior ; in the city, moderation, the disposition and deportment proper to civil life. Superior and insensible to all the allurements of riches and sensuality, he thirsted after glory alone. And so well had he behaved himself in the several offices through which he had passed, as to be always thought, by those who remarked his conduct, to

ⁱ According to a fragment of Appian, these deserters were Thracians and Ligurians. The same author adds, that Metellus caused the hands of some of them to be cut off ; and that, by his orders, the rest were fixed in the ground, up to the middle, then wounded and tormented by the soldiers with darts and arrows, and then burnt, while they were yet alive. App. in Fragg. lib. 8.

^k It was seven years since he had been prætor ; whereas the law required but three years' interval between the prætorship and the consulate. Cic. de Offic. lib. 3. c. 20.

deserve a higher station than what he actually filled. Yet, as worthy a man as Marius was, till this time¹ (for

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¹ Tamen is ad id locorum talis vir (nam postea ambitione præceptus datus est, &c.) I shall here take the liberty to offer to the reader's consideration the following question, which the present case suggests, "Whether the practice, which some historians of great name have fallen into, of prefacing their account of a man's actions with giving his character, either as drawn by former writers, or as it resulted to themselves, from a survey of all they knew of his conduct, be not an unfair practice? Unfair, sometimes, with regard to the person whose actions they are going to relate; always unfair with regard to the reader: because such paintings will naturally prevent his making a free use of his own judgment, and may oftentimes mislead him?" It is a trite observation, that, in point of moral behaviour, no man is more unlike to another, than one and the same man has been to himself, in different periods of his life: and yet, if, before we read the history of a warrior or a statesman, we are impressed with a very disadvantageous opinion of the turn and disposition of his heart, we shall be apt, without any other reason, to impute to unworthy motives all his public actions, in every stage of his life; in which censure it is ten to one that we err widely.

And so likewise, if the character be greatly to the advantage of the person characterised, this will incline us to overlook, or to construe favourably, or, at least, to seek some covering to palliate, his very worst actions, actions of baseness the most shameful and inexcusable.

Of each of these consequences of character-drawing, I shall give an instance:

Plutarch, by introducing his account of Marius's life and actions, with a very odious character of him (such as he, indeed, deserved in his last years), has misled (as I conceive) certain modern writers* of Roman history, to apply that character to the whole conduct of Marius from his very first entrance into the world at seventeen years of age.

"Il ne connut jamais (says the ingenious continuator† of M. Rollin's Roman History) les loix de la droiture, de la franchise, de la reconnoissance, dès que sa fortune, ou l'exécution de ses projets s'y trouva intéressée. C'est un homme qui n'eut qu'une passion, l'envie de s'aggrandir, mais qui ne se fit jamais un scrupule d'y tout sacrifier. Ce fut cette ambition qui le tira de la charrue pour lui faire prendre la profession des armes, par laquelle il espera pouvoir s'élever. Il fit ses premières campagnes au siege de Numence sous Scipion l'Africain," &c.

The continuator has this from the Greek biographer, whose testimony concerning Marius, when tribune of the commons, he likewise adopts a few pages after. "Marius—se fit également estimer des deux parties, comme ne cherchant à plaire ni aux uns, ni aux autres, mais envisageant uniquement le bien public."

These two passages must surely appear not to be very consistent; but this, I think, they will serve to evince, that an historian, by character-drawing, at the entrance of his work, may, sometimes, bring even himself into inconveniences.

Plutarch, indeed, seems not to have been disposed to do justice to the character of Marius. Perhaps, the rough soldier's total neglect of Greek literature, and his declared contempt of the Greek language, may have biassed the mind and pen of the Greek philosopher and historian more strongly than he himself was aware of.

"If he could have been persuaded (says Plutarch, in the introduction to his Life of Marius) to pay his devotions to the Grecian Muses and Graces, he would not, after bearing so many honourable offices, and performing so many glorious exploits, have given the reins to implacable anger, ill-timed ambition, and insatiable avarice; passions which carried him to the commission of such horrible injustices and cruelties, as rendered him, in his old age, both infamous and miserable."

[By the way, we are not bound to reckon this among the most judicious of Plutarch's reflections, seeing, by his own account, Sylla, who did sacrifice to the Muses and Graces, had more vices than Marius, and surpassed him in cruelty].

Our biographer intimates to us, that Metellus laid the foundation of Marius's fortune, by appointing him to be one of his lieutenants, and that Marius behaved himself ungratefully towards his general, from the very day they landed in Africa.

Now, in the first place, how can this lieutenancy be said, with any propriety, to be the foundation of Marius's fortune, who had already been raised to the tribuneship of the commons, and, after that, to the prætorship, and was, at this time, esteemed the best soldier in the commonwealth?

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* See Hist. Rom. by the Jesuits Catrou and Rouillé, tom. 14.
† M. Crescivier, tom. 9. p. 277.
‡ Vid. supr. p. 11, note (p) of this volume.
Dacier's Plat. tom. 10. p. 281.
Vid. supr. p. 13 of this volume.

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ambition hurried him, afterward, into strange excesses), he had not hitherto ventured to stand for the consulship;

And, in the next place, though we find, that Marius's lieutenancy proved an immediate step to the consulship, does it any where appear, that this was the intention of Metellus? Did he mean so great a benefit to Marius? No, the contrary is evident: so that no gratitude was due from Marius to Metellus, as to a person to whom he owed either the foundation of his fortune, or the means of rising to the consulship.

"Marius (says Plutarch) did not consider himself as obliged [to the consul for the honourable post of lieutenant, but to fortune only, who was now pleased to favour him with a fine opportunity of displaying his abilities, and, thereby, rising to the highest dignities in the state. He disdained to do any thing for the glory of his general; but, in all his actions, had a view to his own glory, and to that alone. In this view, he, on every occasion, gave signal proofs of his courage; and, as he never declined any great and important enterprise, through fear of the difficulties and dangers which attended it; so he never, through pride, disdained to charge himself with the execution of the most inconsiderable. Surpassing all the other officers in foresight and military skill, he vied with the common soldiers in temperance and in patient enduring of hardships and fatigue; choosing to eat and lodge no better than they; and, whenever a camp was to be fortified, mixing among them, and putting his hand to the work: by which means he not only gained their affections, but made them content and cheerful in the performance of duty. For the Roman soldiers were much better pleased, when a commander condescended to share their labours, than when he indulged them in sloth and idleness."

How to reconcile this conduct of Marius with his disdaining to do any thing for the promotion of Metellus's glory, seems to be somewhat difficult: because certain it is, that by whatever passions Marius might be secretly animated, he well knew, that he could do no exploit under the direction and auspices of his general, but what would redound to the credit of his general: and it is not to be doubted, that Metellus's principal view, when he chose Marius for his lieutenant, was the advancement of his own honour, to which he thought the exemplary behaviour of Marius, and his distinguished talents for military affairs, would be greatly instrumental; and, in this, he was not disappointed.

* See Ca-
trou, tom.
14. p. 59.

Nor is there any shadow of proof, that Marius, from the time of his landing in Africa, had malevolent* dispositions towards his general. If he had such dispositions, he kept them concealed from Metellus; or, if not, Sallust was perfectly ignorant of this particular, when he wrote the Jugurthine war: for this historian, having related how Jugurtha surprised the Roman camp, and forced his way into it, whilst Metellus was employed in the attack of Zama (the siege of which place he did not undertake till the second year of his command, and towards the end of the campaign), tells us, that the proconsul, when he detached Marius, with the auxiliaries, to recover the camp (from which the guard in their consternation had fled), "conjured him, with tears in his eyes, by their friendship, and by his regard for his country, not to suffer a spot on the honour of her victorious army to remain, nor the enemy to escape with impunity." ["Eumque, lacrumans, per amicitiam, perque rempublicam, obsecrat, ne quam contumeliam remanere in exercitu victore, neve hostes inultos abire sinat."]

It does not appear, that Marius, when lieutenant to Metellus, acted otherwise than as a brave and able officer, zealous for the service of his country, and the honour of his general; nor that he had a more inordinate ambition, than even the most honest of the nobles, his contemporaries. He was now forty-eight years old, had maintained a conduct hitherto unexceptionable, and, having been prætor seven years before, had a legal right to stand for the consulship. Sallust, in his account of Marius, has marked the first steps by which this famous Roman deviated from the path of virtue into that of the most enormous wickedness; and has plainly told us the temptation, the provocation, by which he was seduced.

It was Metellus's contemptuous treatment of him, that kindled those passions of resentment and revenge, with which he afterward flamed. A brave man, and of superior lustre in that branch of merit which was most esteemed at Rome, is it any wonder that he did not easily brook the haughty injustice of a grandee, to whose successes in war, during two years, he had remarkably contributed, and who, yet, despised, and insulted him, for not being nobly born?

The insolence of the nobles, and their violation of those laws of equality which

the nobility having for a long time, appropriated the office to themselves, just as if, by law, they had an ex-

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had been the source of Roman greatness, may justly be considered as the occasional cause of all those mischiefs which Marius brought upon his country.

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I come now to give an instance of the inconvenient consequence of character-drawing, when it is to the advantage of the person characterised.

The continuator of M. Rollin's Roman History, when he first speaks of Metellus, Tom. 9. makes no scruple to say—"This consul had all the qualities that can render a man estimable—Ce consul avoit tout ce qui peut rendre un homme estimable." Yet, not many pages after, we find that Metellus had so little sense of honour, as to think himself at liberty to use any means by which he might acquire the glory of successfully terminating the war, committed to his conduct—"Il prit ses quartiers d'hiver dans la province Romaine, à portée de la Numidie. Il ne donna pas ce tems-là à l'oisiveté et aux delices, comme faisoient souvent les autres generaux : et ne perdant point vûe de Jugurtha, il dressa de nouvelles batteries pour parvenir à finir la guerre. Il seroit vraiment louable, s'il n'eut employé que des voies d'honneur. Mais nous avons vû qu'il n'étoit pas scrupuleux sur cet article. Tout moyen lui étoit bon pour réussir."

P. 268.

This is said on account of the proconsul's secretly practising with Bomilcar, the king's chief confidant, to deliver up his royal master alive or dead into the hands of his enemies: on this condition, Metellus promises the felon, that the senate shall not only pardon the murder he had committed at Rome, but confirm him in the possession of his whole fortune.

When the ingenious writer says, "Nous avons vû qu'il n'étoit pas scrupuleux," &c. he refers to Metellus's former tampering for the same purpose, with every one of the many ambassadors, whom Jugurtha, from time to time, had sent to him, with offers of submission. "Il sonda ses députés, en les entretenant chacun en particulier; et les trouvant assez disposés à ce qu'il souhaita d'eux, il leur proposa et vint à bout de leur persuader de s'engager à lui livrer, Jugurtha vif ou mort. Conduite peu genereuse, et qui prouve que même les plus gens de bien du tems ou nous en sommes se ressentoient du deperissement des moeurs. Metellus, pour mieux couvrir son jeu, fait en public à ces députés une reponse favorable, et leur donne lieu d'entretenir leur maître dans de bonnes esperances."

P. 255.

May we not here apply to Metellus himself the censure which Cicero passes on Marius for having calumniated Metellus? "Possumusne Marium virum bonum judicare?—Explica atque excute intelligentiam tuam, ut videas, quæ sit in ea species, forma, et notio viri boni. Cadit ergo in virum bonum mentiri emolumenti sui causâ—? Nihil profecto minus. Est ergo ulla res tanti, aut commodum ullum tam expetendum, ut viri boni et splendorem et nomen amittas? Quid est, quod afferre tantum utilitas ista, quæ dicitur, possit, quantum auferre, si boni viri nomen eripuerit, fidem justitiamque detraxerit? Quid enim interest, utrum ex homine se quis conferat in belluam, an hominis figura immanitatem gerat belluæ?" De Off. l. 3. 20.

It may not perhaps be improper, on the present occasion, to add to this passage from Cicero's Offices, some few of the many things which he elsewhere speaks in commendation of Marius:

—"Caium Marium vidimus, qui mihi secundis in rebus unus ex fortunatis hominibus; in adversis, unus ex summis viris videbatur; quo beatius esse mortali nihil potest. Nescis, insane, nescis, quantas vires virtus habeat, nomen tantum virtutis usurpas: quid ipsa valeat, ignoras. Paradox. 2.

—"Quæris aliquem graviolem? constantiorem? præstantiorem virtute, prudentia, religione, æquitate [C. Mario?] Orat. pro. Balb. 20.

—"Pudicitiam cum eriperet militi tribunus in exercitu C. Marii, propinquus ejus imperatoris interfectus ab eo est, cui vim afferebat: facere enim probus adolescens periculose, quam perpeli turpiter maluit. Atque hunc ille vir summus, scelere solutum, periculo liberavit." Orat. pro. Mil. 3.

Plutarch tells us, that Marius not only absolved the young man, but with his own hands crowned him as a victor. But what the biographer adds is remarkable, and surely discovers an unreasonable prejudice against Marius, "Heureux [I use M. Dacier's translation] s'il avoit sacrifié ainsi son propre sang à la vertu, et à la sagesse, et non à sa propre ambition, et à ses vûes d'interêt." So likewise, when Father Catrou has related how Jugurtha surprised the Roman camp, while the general was making an assault upon Zama, he thus proceeds, "Metellus, tout occupé du

Tom. 14.
p. 80.

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* Vid. sup.
p. 58 of this
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clusive right to it; handing it from one to another, and looking upon every new man, how distinguished soever by his merit, as a profane person, unqualified for admission to that sacred honour. But now, the prevailing

soin de son attaque, n'apprit que des fuyards de son camp, que Jugurtha y avoit pénétré. A l'instant il depute Marius, avec toute la cavalerie de son armée, pour en-chasser l'ennemi. 'Ne souffrés pas,' lui dit il, les larmes aux yeux, [The good father omits 'per amicitiam, perque rempublicam, obsecrat*'], 'que le Numide puisse se vanter d'avoir été plus heureux à nous surprendre, que nous à forcer Zama.' Marius eut egard à sa propre gloire.—Il vole où son honneur l'appelle." Thus we see, that, according to these writers, Marius never did a virtuous action, never did what was right from a right motive. And this indeed is expressly said by Plutarch:—"Si pour bien juger des plus belles actions des hommes, il ne faut les considerer ni par elles-mêmes, ni par la fin qu'ils ont eüe, ni par les honneurs qu'ils ont attirés à leurs auteurs, mais seulement par les motifs qui les ont produites, il est certain que ni les exploits de Pyrrhus ni ceux de Marius, ne méritent des grandes louanges, destitués de ce qui doit seul les faire louer, je veux dire, d'un motif juste et honnête, qui est l'ame des grandes actions. Il n'y a que les travaux entrepris pour la justice, et pour le bien des hommes qui soient veritablement louables. Or ce n'a jamais été le but de Pyrrhus, ni de Marius. L'un et l'autre n'ont jamais rien fait que pour satisfaire leur ambition particuliere, et pour remplir ce désir insatiable de gloire qui les devoroit."

M. Rollin, in the preface to his second volume of Roman History, says the same of all the Romans, that vain-glory was *le motif unique de leurs plus belles actions*. Whether this notion be well founded I shall examine elsewhere; at present, let us suppose it an indisputable truth: and then let us ask, What advantage could Metellus have over Marius in point of moral character? None, most certainly. Metellus, if he committed fewer crimes than Marius, was not, for that reason, more virtuous than he. They had neither of them any spark of real virtue.

But let us suppose, as Plutarch seems to do, that it was possible for the old Romans to undertake and perform great actions, from a love of justice, and a regard to public good; or, in other words, that they were capable of virtue: how does it appear, from any thing recorded of Metellus, that he had more virtue than Marius?

If, in imitation of some writers, we were to begin the history of the actions of this Metellus with a character of him, such as he seems, by his conduct, to have really deserved, it would be to this effect:

That he was haughty and insolent, despising all merit in men who were not of his own rank and high birth. That he was closely connected with the *honest*, and employed his influence to support them in their usurpations on the rights of the people. That, though not to be corrupted himself, by money, he was a fast friend to those *honest* men who took bribes from a foreign enemy.

That, to acquire the glory of subduing that enemy, when he was general of the Roman army, he did not scruple to employ any means, even the basest and most odious; and that, when he had opportunities of serving his country, by weakening the enemy, he neglected his duty out of private pique and envy.

I say, How greatly would this character, previously given, diminish our admiration of those parts of his conduct, on account of which he bears a good name in history, and is, at this day, spoken of, as a man of real and distinguished merit? The particulars, I mean, are,

1. That he steadily refused the oath pressed upon the senators by the Marian faction, an oath which all the other honest members, as well as the dishonest, meanly took.

2. That he chose to go into exile rather than commence a civil war.

This was, doubtless, very laudable, especially if those who proposed it to him could have supported him: but it might be the effect of mere regard for his own preservation, it not being likely that he and his friends would have got the better of Marius.

[By the way, what sort of honest men were those, who, for the sake of his personal interest, would have involved their country in a civil war? Memmius, the tribune of the commons, dehorted the people from ways of violence on a much more weighty occasion. Vid. supr.]

passion of Marius being soothed and encouraged by the diviner's prediction, he confidently requested, of his general, permission to go to Rome, there to present himself a candidate for the consular dignity. Metellus, who, though possessed of many good qualities, had a mind tainted with the pride and haughtiness common among the nobles, pretended, at first, to wonder at his lieutenant's project, and advised him, as out of friendship, to be satisfied with his condition, and not entertain any views above it: and having sententiously intimated to him, that all things were not to be coveted by all men, exhorted him, carefully to avoid asking of the Roman people, what they might with good reason refuse him. But Marius, notwithstanding this, and a great deal more to the same effect, persevering to solicit his discharge, the proconsul, at length, answered him sharply, "You need not be in such haste to go away; it will be time enough for you to stand for the consulship, when my son may be your colleague." The son, at this time, served under his father, and was about twenty years of age.

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Such contemptuous treatment, far from diverting Marius from his purpose, served only to make him more eager in the pursuit of it, and to kindle in his breast an inextinguishable anger against Metellus. From this time, putting himself wholly under the guidance of the worst of counsellors, ambition and revenge, he said and did every thing, which those passions dictated to him. To the soldiers that were under his command, in their winter-quarters, he allowed unusual liberty, relaxing the rigour of their discipline, which he had hitherto always enforced, by his own example, no less than by his authority. Amongst the Roman merchants (of whom there were great numbers at Utica) he severely censured his general's conduct, insinuating, that he was a vain man, had the pride of a king, and, being too fond of command, had protracted the war without necessity:

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and he boasted, that, were he himself entrusted with only one half of the army, he would, in a few days, have jugurtha in chains. The merchants listened to this discourse the more readily, and thought it the more reasonable, because they had suffered in their commerce by the continuance of the war, and because no measures seem expeditious enough to men who are in great haste to be rich.

Not to neglect any means by which his views might be promoted, he made court, even by flattery, to a poor unhappy Numidian, the faculties of whose mind were impaired by disease. His name was Gauda; he was grandson of Masinissa, and being a son of Mastanabal, was brother to Jugurtha, though by a different mother. King Micipsa, by his will, had named this Gauda to be next in succession to the crown, after his three immediate heirs. The crazy man having been refused by the proconsul certain honours, which could not be granted him without violating the Roman customs, was grievously affronted. In the height of his discontent, Marius accosts him, “What a man of regal dignity—and a man of such importance—a grandson of Masinissa to be treated so ignominiously! Demand satisfaction at Rome, for the insult you have suffered from the general. You may depend upon my assistance. Nothing could hinder your immediate possession of the kingdom of Numidia, were Jugurtha either killed or taken prisoner; and one of these would quickly be effected, if I were consul, and entrusted with the command of the troops.”

By these, and other such-like methods, Marius engaged Gauda, the Roman knights, the soldiers, and many of the merchants (and the hope of a speedy peace engaged still more), to write to their friends at Rome, inveighing against Metellus for his slow procedure in the war, and expressing their earnest desires, that the conduct of it might be given to Marius. The con-

currence of so many persons, in soliciting for his promotion, did him great honour; and the times too seemed much to favour his pretensions; the nobles having lately suffered a terrible overthrow by the Mamilian law,* and the commons, in general, being now disposed to raise new men to the highest dignities.

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* Vid. supr.
p. 42 of this
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Though Jugurtha, by a fraudulent treaty, had been stripped of a considerable part of his treasure, his arms and his troops, yet he now, with great diligence, assembled an army, fortified the towns in his possession, and endeavoured, by promises and threatenings, to bring over those which had revolted from him. Metellus had put a garrison into Vacca, one of the largest and richest cities of Numidia, and had given the government of the place to T. Turpilius Silanus, an Italian, his particular friend, with whom he was connected by the ties of hospitality, subsisting from father to son. The chief men of the city, being gained by Jugurtha, took the opportunity of a public festival to invite the governor, the tribunes, and other officers of the garrison, to feast at their houses. Each man stabbed his guest, and then the inhabitants fell upon the Roman soldiers, and put them all to the sword. Of all the Italians, Turpilius alone escaped: whether this was owing to pity in his host, to compact or to chance, is not clear:^m but one thing (adds Sallust) seems to admit of no doubt, that, by whatsoever way he escaped, he was a base and detestable wretch, seeing in so great a calamity (amidst a general massacre of his soldiers, countrymen, and friends) he could prefer an inglorious life to unsullied honour.

Metellus, the second day after his loss of the town, recovered it by surprise, gave it up to be plundered, and put most of the inhabitants to death.ⁿ—The go-

^m Plutarch says, the inhabitants of Vacca sent Turpilius away in safety, because of the lenity of his government. Plut. in Mar.

ⁿ Appian tells us, that the Roman general put to death all the senators of Vacca. App. in Fragm.

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vernor Turpilius, being brought to a trial, and making but a weak defence, the council of war condemned him, and, as he was a Roman citizen with only the privileges of Latium, he suffered the punishment of being first scourged, and then beheaded.^o

About the same time, Bomilcar, perceiving that Jugurtha had begun to suspect him, turned all his thoughts to prevent, by a timely murder of his master, the probable consequences of that suspicion; and the more easily to succeed in the enterprise, he engaged a Numidian nobleman, named Nabdalsa, to be his associate in it. Nabdalsa was very rich and very popular, and had used to command a separate army, for performing those military operations, to which Jugurtha, when happening either to be employed in others of greater importance, or to be fatigued with business, could not in person attend. These two conspirators having fixed a day for the assassination, Nabdalsa repaired to the army (at that time, posted in the midst of the Roman winter-quarters, to preserve the country from being pillaged). Nevertheless, through fear, he failed to keep his appointment. Bomilcar, therefore, sent a letter to him, reproaching him with his neglect, and encouraging him to continue steady in the resolution they had taken; for that Jugurtha would certainly be destroyed; and the only question was, whether he should perish by the bravery of Metellus, or by theirs. When this letter arrived, Nabdalsa was lying upon his bed, to take a little rest after fatigue. Having read and considered it, he fell asleep. Soon after, a Numidian, who managed the general's private affairs, and was his favourite, and the confident of all his designs, except the last, entered the tent, and

^o According to Plutarch, Marius so irritated the council against the accused, that Metellus, though unwilling, could not avoid pronouncing sentence of death upon him; and when, afterward, the innocence of Turpilius appeared, Marius every where boasted, that he had lodged in Metellus's breast a fury that would perpetually torment him for having killed his host.

M. Dacier observes, that the innocence of Turpilius had not been discovered when Sallust wrote.

seeing a letter upon the pillow, took it up, read it, and then fled to Jugurtha. Nabdalsa, awaking, missed his letter, and, being informed of his servant's flight, sent after him in all haste, but to no purpose. He himself, therefore, went directly to the king, assured him that he intended to have discovered the whole affair, had he not been prevented by his servant, and, with tears, begged he might not lie under the suspicion of so great a crime. Jugurtha, disguising his real thoughts, returned a mild answer; and, when he had put Bomilcar, together with many of his accomplices, to death, continued his dissimulation, fearing, should he give the reins to his revenge, he might thereby occasion an insurrection: but, after this time, he had no repose of mind by night or day. Fearing his own subjects now, as much as he feared the Romans, he could not think himself secure in any company. He had always a circumspective eye, was affrighted at every noise, and, not knowing where he could sleep in safety, was perpetually shifting his apartment, contrary to all regal decorum. Sometimes, starting out of his sleep, and snatching up his sword, he raised an alarm in the dead of night: so near to madness had the excess of his fear reduced him.

The proconsul, having received intelligence, by deserters, of the fate of Bomilcar, applied himself to make preparations for the war, just as if it were now at its commencement: and judging, that if, by an exertion of his authority, he detained his lieutenant, who never ceased importuning him for leave to go home, little benefit was to be expected from his presence, he at length dismissed him [about twelve days, says Plutarch, before the election of consuls]. The letters from Utica, and the public harangues of the tribunes, had so preposessed the people of Rome in favour of Marius, that the reception he met with there fell nothing short of his most sanguine hopes: for the *comitia* not only raised him to the consulship [with L. Cassius Longinus], but

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voted him the command of the army in Numidia, though the senate had, already, by a decree, assigned that province to Metellus.

Marius, whose chief object, now, was victory in the war against Jugurtha, immediately demanded of the senate, recruits for the legions; summoning, at the same time, all the bravest men of the Latin nation, to attend him (with the most of these he was personally acquainted, by their having served with him; and of the rest there were few whose characters he had not learned by common fame). Many even of the discharged veterans he prevailed upon, by the force of persuasion, to follow him in his African expedition: nor did he neglect to ask auxiliary troops from the kings and states in alliance with Rome.

The recruits, which the consul demanded, were most readily and cheerfully voted by the senate; who, bearing him no good-will, and believing that the people, in general, disliked the service in Numidia, hoped that he would either be unable, through want of men, to pursue the war, or would lose the affection of the multitude, by constraining them, against their inclinations, to give in their names. But herein the fathers were disappointed; for the people flocked in crowds to be enlisted, every man pleasing himself with the hope of returning home crowned with victory and enriched with spoil. Marius, indeed, by an harangue to the multitude, had contributed, not a little, to raise their expectations. Ever since his election, he had made it his daily practice to insult the nobility, sometimes particular persons, sometimes the whole body; boasting continually, that he had wrested the consulship from them, like spoils from a vanquished enemy: and, when all his demands had been complied with, and he was about to levy soldiers, he assembled the people, and spoke to them in the following manner:—

“ I know, Romans, that the behaviour of those who

have obtained from your favour the high offices in the state, has, generally speaking, been very different from what it was before their promotion. While candidates, they are full of modesty, humble petitioners, attentive and active to oblige. Are they elected? instantly they become proud and lazy for the rest of their lives. But this is not my turn of mind. The good of the commonwealth is, to my apprehension, of much greater moment, than whether this man or that be advanced to the consulship or prætorship. Nor am I insensible of the weighty charge laid upon me by your very great kindness. To make preparations for the war, and, at the same time, to be frugal of the public money; to compel to the service those whom you are unwilling to displease; to attend to every thing that concerns the public, both at home and abroad; and to do all this amidst a confederacy of envious, factious men, determined to oppose all your measures, is a more arduous task than you, fellow-citizens, can easily imagine.

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“ I consider too, that in the discharge of high offices, if other men fail, they are protected from condemnation and censure by the antiquity and lustre of their families, the heroic actions of their ancestors, the credit of their relations and friends, and the numerous crowd of their clients and dependants; but that I have nothing of all this to trust to; that my sole hope and confidence must be in my own virtue and integrity.

“ I am likewise aware, that all eyes are upon me, and that, while every honest and candid observer (pleased with my successful endeavours to serve the state) wishes well to me, the nobles are incessantly watching for an opportunity to compass my ruin. It concerns me, therefore, to take the more care, that your hopes be not disappointed, and that their cabals prove ineffectual. From my early youth, I have been inured to toils and dangers. The course which I have hitherto pursued from a disinterested principle, shall I discontinue it now,

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when you have bestowed on me so noble a reward ? Those who have only a semblance of virtue, a disguise which ambition has occasionally induced them to put on, find it difficult to preserve, in their conduct, even that appearance, when they are actually in power : to me, who have all my life been in the practice of virtue, the habit of well-doing is become natural.

“ You have ordained, that I shall have the management of the war against Jugurtha ; an ordinance highly displeasing to the nobles. Now, pray consider with yourselves, whether it would not be better to alter your choice, and employ, upon this, or any other like occasion, some one out of that worthy body ; a man of an ancient family, who has abundance of images, and no experience in military affairs. You will see the hurry, the confusion, he will be in, having much to do, knowing nothing of the matter, and applying himself to some poor man of the commons to instruct him. For this has, generally, been the case : he, whom you had appointed to the command, has been obliged to find some other commander from whom to receive directions. Nay, I myself know persons, who did not begin, till they were chosen consuls, to read the history of our ancestors, and the military precepts of the Greeks. Preposterous proceeding ! For though, in the order of time, the election to offices be prior to the exercise of them, yet, in the order of things, qualification and experience should precede election.

“ Romans, compare me, who am but a new man, with these haughty nobles. Such exploits as they are wont only to read or hear of, I have, partly, seen performed, by other brave men, and have, partly, myself performed : what they have learned from books, I have learned in the service. Now, whether practice or speculation be of the greater value, do you judge.

“ They despise me, for my being a new man ; I them, for their being slothful cowards : they reproach me

with my want of fortune, I them, with their want of virtue. And it is my opinion, that though all men have one common nature, those who excel most in courage and in fortitude, are the most noble. If the question could be put to the fathers of Albinus and Bestia, whether (had it been in their option) they would have chosen them for their sons, or such men as I am : what answer do you think they would make ? Doubtless, that they should have chosen to have the most worthy men for their sons. But, if the nobles have reason to despise me, they have the same reason to despise their own progenitors, whose nobility, like mine, took its rise from military virtue. They envy my advancement ; let them envy, too, my integrity, my toils, the dangers I have passed through : for by these I arrived at the consular dignity. Blinded with pride, these men live in such an infamous manner, as if they slighted the honours you have to bestow, and yet they sue for them as confidently as if, by their course of life, they had deserved them. Ridiculous delusion ! They propose to themselves to riot in the pleasures of a lazy effeminacy ; and then to receive the rewards of a laborious virtue ! When they make harangues before you, or in the senate, their eloquence is chiefly employed in extolling their forefathers ; from the relation of whose gallant actions they imagine a lustre will be derived to themselves. The event is quite contrary to their expectation : for the more illustrious the lives and exploits of the ancestors were, the more scandalous are the sloth and demerit of the descendants. The truth is, the glory of ancestors is as a light, which, shining upon their posterity, makes them conspicuous to the public eye, and suffers neither their good nor their bad actions to be concealed. There is no such light, I confess, shining upon me ; but, what is far better, my actions have a lustre of their own. Mark the equity of these nobles ! The honours which they arrogantly claim to themselves, in reward of other

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men's achievements, they think me unworthy to receive in reward of my own. And for what reason am I deemed so unworthy? Why, truly, because I have no images, and my nobility is recent: but, surely, the man who acquires nobility to his family, is a much more honourable person than he, who, born of a noble family, becomes a disgrace to it, debases it, makes it, by his infamous conduct, less noble than it was.

“ I know very well, that if they were now disposed to answer to what I have been saying, they could do it with a most copious and flowing eloquence, and with great accuracy: nevertheless, as they have in all places given a loose to their tongues against me, and against you too, ever since you conferred this great dignity upon me, I was resolved to speak my mind; lest my silence should be interpreted into a consciousness of guilt: not that I imagine I can suffer any real hurt from harangues; for, if what the orator delivers be true, it must be to my praise; if false, my life and manners confute it. But, since you are blamed, both for promoting me to this high station, and for entrusting me with a charge so important as the present war, please to consider again and again, whether it will not be prudent to revoke your decrees. I have no images, as I told you before; I cannot, in order to inspire you with confidence in my abilities and integrity, boast of ancestors, who have been honoured with consulships or triumphs: but, if it be necessary, I can shew you spears, a banner, rich horse-trappings, and other military^a rewards, which have been given me by the generals under whom I have served; and I can shew you, upon my body, scars of wounds; and they are all *before*. These are my images; such is my nobility; not a nobility like theirs; not an inheritance, but an acquisition; a nobility, which I have myself purchased at the price of hardships, labours, and perils.

^a See vol. 1. b. 2. c. 25. concerning the military rewards in use among the Romans.

“That I have no eloquence I readily confess; and the want of it gives me very little concern: virtue needs no paint, no artificial ornament, to set it off: let our great men have recourse to the false colouring of eloquence; for, in truth, they need it, to hide the infamy of their actions: I never was instructed in Grecian literature: nor had I any inclination to learn that, which, I found, did not, in the least, contribute to the increase of virtue in the teachers. But I have learnt lessons which qualify a man much better to be a useful member of the commonwealth: I have learnt to rout an enemy in the field, to force him in his strong holds, to fear nothing but infamy, to bear cold and heat, to lodge upon the bare ground, to endure, at the same time, both hunger and fatigue. It is by the practice of these lessons that I shall animate my troops; my glory shall not be the fruit of their toils only; I shall not indulge myself in ease, while they are suffering hardships. To keep your soldiers to strict discipline, while you are taking your pleasure, this is to act the part of a tyrant, not of a general. The other method of proceeding is the only one that becomes a commander of his fellow-citizens; and it was by such conduct that our forefathers acquired renown, both to the republic and to themselves. And yet our present nobles, having no likeness to them, despise us, who endeavour after it; and demand of you all places of power and trust, not on account of any thing they have done to deserve those honours, but as due to them by inheritance. How grossly are the understandings of these men deceived by their excess of pride! Their ancestors left them every thing that it was in their power to leave them, their wealth, their images, the glory of their exploits: but they did not transmit their virtue to their descendants; this was impossible.

“They call me a clownish, uncouth, ill-bred, fellow; and why? because I do not make elegant entertainments, nor keep a buffoon, nor give a higher price for a

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slave that is to be my cook, than for one that is to work at my farm. Every part of this charge I readily avow. For I remember to have heard my father, and other worthy persons, often say, that delicacies and fineries belong to women; labours and rugged industry to men: that the good aspire to glory, more than to wealth, and think no furniture so ornamental as arms.

“But since our nobles are not of this opinion, let them proceed in their own way. Leaving sweat and dust and such things to us (who indeed prefer them to the costly banquets of the luxurious), let them go on as they began; let them love, and drink, and pamper their bellies; let them spend their riper years, as they have spent their youth, in the lowest of sensual gratifications. To these let all their thoughts be confined.—‘No, not so,’ say our worthy nobles: ‘when we have made ourselves infamous and detestable by the practice of all the most scandalous vices, we will then contrive to snatch the rewards due to the virtuous and brave.’ And thus luxury and sloth, vices so fatally mischievous to the commonwealth, are to be no hinderances to the ambition of men, the most shamefully stained with them; no obstacle in their way to the public honours, even the highest dignities of the state!

“And now, having answered these nobles so far as was necessary, not indeed to expose fully the base enormities of their conduct, but to vindicate my own character; I shall add a word or two in relation to the present state of public affairs. In the first place,—as to Numidia, fear nothing, Romans; in effect, the victory is yours; for you have now removed every thing that hitherto defended Jugurtha; every thing, indeed, that could defend him, covetousness, ignorance, pride. Add to this, that you have an army there, well acquainted with the country. It is an army, I confess, not so fortunate as courageous: for, through the covetousness or temerity of its commanders, it has suffered a great dimi-

nution : and it is for this reason, I would have you, that are of an age to bear arms, join with me, and take upon you the care and defence of the commonwealth. And do not suffer yourselves to be discouraged by the mishaps of others, or by the haughty behaviour of some former generals. Both in marches and in battles, you shall always have me near at hand to consult with, and to share with you every danger into which I lead you : I and you shall be upon an equal foot, with regard to the fatigues, hardships, and perils of war. Never doubt then but, with the help of the gods, we shall conquer ; we shall certainly and speedily acquire both wealth and honour. And, were these uncertain, or at a distance, yet surely it becomes all honest men to support the cause of their country : for no mortal would be made immortal by sloth ; nor did ever any father wish that his children might never die, but that, while they lived, they might live and act like worthy men. Romans, I should say more, if words could put courage into cowards ; to the brave, I think, I have said enough.”

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Marius, perceiving that the spirits of the multitude were elated by his discourse, caused provisions, money, and other necessaries for the war, to be, with all expedition, embarked ; and he sent them away under the care of his lieutenant, A. Manlius. His own diligence he applied wholly to the business of levying soldiers : nor did he, on this occasion, observe the ancient custom of admitting into the army those only, who had some estate, and belonging to one or other of the five first classes ; without distinction, he accepted of all^r that presented themselves ; so that the greater part of his recruits were of the *capite-censi*, citizens, so poor, that they paid only a small poll-tax. His conduct, in this particular (says Sallust), was, by some, imputed to the scarcity of better men ; by others, to his ambition ; the most needy, those who have nothing to lose, and who

^r Plutarch reports, that Marius did not refuse to enlist even slaves. Plut. in Mar.

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think no action dishonourable that is gainful, being the properest aids to a man whose enterprise is the acquisition of power.

During these transactions at Rome, Metellus, in Africa, had been engaged, partly in military expeditions, partly in fruitless negotiations.

After the departure of Marius, the proconsul led his forces against Jugurtha, and obtained an easy victory over him: for the king, having put to death a great number of his old friends, and the rest having, through fear, deserted him (some flying for refuge to Bocchus, king of Mauritania, others going over to the Romans), was fallen into the extremest perplexity. It was impossible for him to carry on the war without ministers and without generals; and yet, whom could he trust after so much perfidiousness as he had lately experienced? no advice, no person, nothing could please him; he marched, and countermarched; and changed his general officers every day: one while he advanced towards the enemy, and presently after turned away to the deserts; nor could he determine which he had more reason to distrust, the courage of his people or their fidelity. Whilst he was in this wavering and distressful condition of mind, Metellus, on a sudden, came upon him. That part of the Numidian army, which the king commanded in person, maintained its ground for some time; but the rest was routed and put to flight at the very first shock. Jugurtha made his escape, through the deserts, to Thala, a large and wealthy town, the chief repository of his treasures, and the place where his sons received their education. Upon advice of these particulars, Metellus, believing he should put an end to the war, could he but take Thala, resolved to march thither and invest it; though the river, that was nearest to the town, was fifty miles distant from it, and the whole space, between them, waste and without water. Leaving his baggage behind, he took with him only ten days' provision,

loading with water from the river the beasts of burden, and commanding those of the Numidians who, after the late battle, had submitted to the Romans, to bring him water and provisions on a certain day at a certain place. It is related that, when he arrived at this place (where the Numidians punctually met him according to the orders they had received), there fell such a vast quantity of rain, as was alone more than sufficient for the army; and that the soldiers, from a superstitious turn of mind, preferred the rain-water to that of the river; persuading themselves, that the plenteous shower was an evidence of their being under the special protection of the immortal gods: and this persuasion greatly heightened their courage. The next day, contrary to Jugurtha's expectation, the Roman army appeared before Thala. The town's people, though astonished at so strange an event (for they had thought themselves sufficiently secured by the desert), were not the less active and diligent in taking the necessary measures for defence. But the king, imagining now, that no enterprise of war was too difficult for the Roman general, quitted the town in the night, taking with him his children, and a great quantity of his money: nor did he ever, after this, stay above one day or one night in the same place. He pretended to be upon business that required haste; but, in truth, was apprehensive of treachery, which he hoped to prevent by such continued motion, as must hinder the disaffected from having convenient leisure and opportunity to form combinations and conspiracies.

It was forty days before the Romans could, by indefatigable labour, and many sharp conflicts, make themselves masters of Thala; and even then they were disappointed of the hoped-for spoil: for the Roman deserters, so soon as they perceived the wall shaken by the battering rams, carried the gold and silver, and whatever else was deemed valuable, into the royal palace; and when they had there filled themselves with

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* Vid. supr.
p. 55.

wine and good cheer, set fire to the edifice, choosing rather to perish in the flames with the palace and its treasures, than to fall into the hands of Metellus [a general noted for being cruel,* rather than justly severe to deserters].

Jugurtha, on his leaving Thala, had retired among the Getulians, a savage^s people, to the south of Numidia, who had never heard of the Roman name. He gathered a great multitude of these together, and taught them something of military discipline. Then, by presents and promises, he gained to his interest the favourites of his father-in-law^t Bocchus, king of Mauritania; and, by their means, engaged him to arm against the Romans. To this Bocchus was the more easily persuaded, because, in the beginning of the war, he had, without success, sent ambassadors to Rome, with the offer of his friendship and alliance. (For though, at that time, nothing could be more seasonable or more advantageous to the republic, than a treaty of alliance with the Mauritanian, yet, through the avarice and influence of a few men in power, who would do nothing, right or wrong, but for money, his offer had been rejected.)

When the two armies were joined, and the kings had mutually pledged their faith to each other, Jugurtha, to raise the anger of the Mauritanian against the Romans, represented them as a people injurious, oppressive, insatiably covetous, and the common enemies of mankind. “They have just the same cause for waging war against you, and against every independent prince and state, as against me—their lust of domination. I am now regarded as their enemy; not long ago, the Carthaginians and king Perses were considered in the same light; and

^s A great part of Getulia was subject to Jugurtha.

^t Sallust tells us, that such ties of affinity were of little strength among the Numidians and Moors; because every man, being free to take as many wives as he could maintain, the husband's heart was divided among this variety, and never so captivated and engrossed by any one of his wives, as to make her his companion and friend; he treated them all with equal contempt.

so will every king hereafter, who shall be thought rich enough to merit that distinction.”

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The combined armies, upon advice that Metellus had lodged his booty and prisoners, together with his heavy baggage, in Cirta, bent their march thither. It

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would amply reward the labour of the enterprise, could they possess themselves of the place; and in case they should be hindered from seizing it, by the Romans coming to its relief, yet, at least, a battle would ensue, which, at this time, was what the politic Numidian most eagerly desired; lest Bocchus, having leisure to reflect, should lay aside his hostile purposes, and entertain thoughts very different from those of war.

As the Moors were a new enemy, with whose manner of fighting the Roman general was unacquainted, he had not now the same forwardness, as heretofore, to come to an engagement at all adventures: but, fortifying a camp at a small distance from Cirta, he there waited an opportunity of giving battle with advantage.

It was during this inaction he received notice, by letters from Rome, that the people had assigned the province of Numidia to Marius (their advancing him to the consulship he had learnt before). Sallust reports, that the grief and vexation of Metellus were far beyond what either decency or virtue could allow; “he restrained neither his tears nor his tongue; and though, in other respects, an excellent man, wanted fortitude to maintain a character of dignity in such adverse and trying events. Some imputed his impatience to pride; others to that quick sense, which every man conscious of worthiness must unavoidably have, of contumelious treatment; many thought, that to see a victory, which he had gained, snatched out of his hands, was the principal cause of his immoderate concern: but I have been sufficiently assured, that the advancement of Marius, not the wrong done to himself, was the insupportable torment; and that he would have borne his removal

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from the province with more temper, had any other than Marius been appointed to succeed him."

Restrained, therefore, by the discontent of his mind, and thinking it a folly to purchase advantages to another with danger to himself, he attempted nothing farther in the way of arms ; but dispatched deputies to king Bocchus, to admonish him, " Not to become an enemy of the Roman people, without provocation : that he had now a fine opportunity of entering into friendship and alliance with them, which would be more for his benefit than a war. That, whatever confidence he might place in his riches, or in his military force, it would be highly imprudent to change certainties for uncertainties, and blend the affairs of his kingdom, that were now in a flourishing condition, with the desperate fortune of Jugurtha."

To this the king, with a courteous calmness, answered, " That peace was what he earnestly desired, but that he pitied the misfortunes of Jugurtha ; that if he might be included in the treaty, all other matters would, with ease, be amicably adjusted." The Roman general sent a reply to the king's answer : messengers from both sides went backwards and forwards ; the time passed away ; and, agreeably to the desire of Metellus, no progress was made in the war.

But now the consul Marius, who, by his diligence and popularity, had raised soldiers sufficient (and somewhat more than had been granted him) to complete the legions, arrived with his recruits at Utica. Here the army was delivered up to him by P. Rutilius, the lieutenant of Metellus : for this angry general, that he might not have the pain of seeing those things, which he could not even hear of with patience, carefully avoided an encounter with his hated successor, and made the best of his way to Rome. Contrary to his expectation, he was there received with the utmost demonstrations of public joy, and as a man equally dear to the senate

and to the commons; the envy of the latter [who had triumphantly carried their point] being now entirely subsided.^u

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It would seem, that, after the Roman army had been strengthened by the troops which Marius brought with him into Africa, Jugurtha had not the same eagerness as before to come to a general battle. For no sooner did the two kings hear of the consul's arrival, than, separating their forces, they retired into places difficult of access, there to watch opportunities when they might suddenly issue out and fall with advantage upon straggling parties of the Romans, who, they hoped, would grow secure and remiss in discipline; this being commonly the case of soldiers, who have laid aside all fear of an enemy. But Marius was too active and cautious to be easily surprised. By exercising his new-raised men in frequent skirmishes, and in reducing many castles and small towns (neither strong by nature, nor well garrisoned), he brought them gradually to be upon an equality with his veterans, both in courage and in the exact observance of discipline. And, in order to raise yet higher the spirits of all his soldiers by experienced prosperity, and by hope still more pleasing, having led them into a rich and fertile country, and there amassed abundance of spoil, he most graciously divided among them the whole.

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On the other hand, the two kings had no success in the method they had chosen of carrying on the war; for

^u That Metellus, for his victories over the Numidian king, was honoured with a magnificent triumph, and the surname of Numidicus, we learn from Velleius Paterculus, lib. 2. c. 11. and from other writers. Nevertheless, from what A. Gellius reports to have been said by Metellus, in a speech to the people, it is concluded, that his triumph had been opposed by one of the tribunes. "Qua in re quanto universi me unum antistatis; tanto vobis quam mihi majorem injuriam atque contumeliam facit, Quirites: et quanto probi injuriam facilius accipiunt quam alteri tradunt, tanto ille vobis quam mihi pejorem honorem habuit: nam me injuriam ferre, vos facere vult, Quirites: ut hinc conquestio, istic vituperatio relinquatur." A. Gell. xii. 9. It is likewise reported, that an accusation of having embezzled the public money was brought against Metellus: but that, when the accuser had obliged him (according to custom) to produce his books of account, none of the judges would look into them, lest they should seem to doubt of his integrity. Val. Max. lib. 2. c. 10. Cic. pro C. Balb. c. 5. and Ep. ad Attic. lib. 1. ep. 16.

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the consul so watched their motions, as to prevent the execution of any important design they could form ; and, in frequent instances, when either the Getulians or the Numidians, having pillaged the territories of the Roman allies, were going off with their booty, he intercepted and routed them ; and once, near Cirta, he pushed Jugurtha to such extremity, that, to make his escape, he was forced to throw off his armour.

But Marius, considering that enterprises of this kind, how fortunate soever, had more of show than of substance, and contributed little towards bringing the war to a conclusion, resolved now to invest, one after another, all those fortresses and towns of Numidia, which, by their situation, or garrisons, or numerous inhabitants, gave the enemy any advantage in the war. By this means Jugurtha would be deprived of his strong-holds, if he did not come to their relief ; or, if he did, would be forced to a battle ; in which (for any thing that appeared to the contrary) he must depend wholly upon his own forces. For Bocchus, either from the levity and inconstancy of his character, or with a view to deceive and surprise the Roman army, had frequently sent messengers to the consul, with assurances, that he earnestly desired to be in friendship with the Romans ; who might, therefore, he said, lay aside all apprehension of hostilities from him. Marius, in pursuit of his resolution, began with castles, and certain inconsiderable but well-fortified towns. Some of these he took by assault ; others he terrified into a surrendry ; and he reduced others by fair words and promises. But when he found that Jugurtha, instead of coming to their defence, and offering him battle, continued to keep at a great distance, wholly busied in other affairs, he thought the proper time was come for enterprises of greater importance, and more difficult execution, than any of those in which he had hitherto employed his troops.

Capsa, a large and strong town, said to have been

built by the Libyan Hercules, stood in the midst of a vast desert : and, as the inhabitants were exempted from paying taxes, and enjoyed other advantages of a gentle government, it was with reason believed, that Jugurtha might depend upon their fidelity. Against an enemy they were well fortified by bulwarks, arms, and men ; and still better by the difficulty of approaching them : for, excepting the lands near the town, the whole country around was waste and barren, without water, and infested by serpents, animals always pernicious, but more so when inflamed by thirst. The Roman general conceived a strong desire to attempt this place, not only because the reduction of it would be useful with regard to the operations of the war, but because it was difficult to effect, and he remembered, that Metellus had acquired great honour by the conquest of Thala, a town for situation and strength much like Capsa : the difference was, that not far from Thala were some springs of water, whereas the Capsenses had but one spring, and that was within the town : nor had they any other supply of water but from the heavens.*

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Marius, to conceal his purpose, sent away his lieutenant, A. Manlius, with a detachment of light-armed soldiers to the city Laris (where he had placed his military chest and his stores), telling him, that he was going to pillage the country, and would join him in a few days. He then marched directly towards the river Tana. As corn was scarce,^y and water too, the general made the best provision he could to supply both wants. He had, a few days before, collected a good quantity of cattle ; and, during his march, he distributed, in equal proportions, among the companies of foot and troops of

* Sallust observes, that the scarcity of water in Numidia, and the other inland parts of Africa, was by the inhabitants the more easily borne, as they lived mostly upon milk and venison, without the use of salt or any other seasoning that provokes appetite or increases thirst : the purpose of eating and drinking among them, being to satisfy a natural hunger and thirst, not to gratify a fantastic luxury.

^y The Numidians were much more solicitous about grass for their cattle, than the production of grain ; and what corn the land had produced this year, had, by the king's order, been carried into places of defence.

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horse, a certain number of those beasts, directing that, as fast as they were killed, bottles should be made of their hides : so that when, after six days, he arrived at the river, the soldiers had made a considerable number of leather bottles. Here he halted, and pitched a camp ; but gave orders to his men, that, after taking due refreshment, they should be ready to march at sunset ; at which time, leaving their baggage behind, they were to load themselves and their beasts of burden with water, and with nothing else.

At the hour appointed, Marius led out his troops, and, having marched all night, encamped again in the morning. Next night he renewed his march ; and the third, long before daybreak, arrived at a place full of small hills, not above two miles from Capsa : there he passed the remaining part of the night, taking all possible care to avoid being discovered. So soon as day appeared, the Capsenses, who had no apprehension of an enemy in their neighbourhood, came out of the city in great numbers ; Marius perceived it, and straight commanded his whole cavalry, and likewise the swiftest of his infantry, to fly instantly to the city, and seize the gates : he himself followed with all possible expedition, nor suffered a man of his army to stray, for the sake of plunder. The inhabitants, terrified to excess, quite stunned with the suddenness of their calamity, and seeing many of their fellow-citizens already in the hands of the enemy, surrendered without resistance. Marius, nevertheless, put to the sword all the Numidians that were able to bear arms, sold the rest for slaves, and burnt the city, when he had first given the plunder of it to his soldiers.²

² Sallust, though he confesses, that the general's proceeding, in this instance, was contrary to the laws of war, seems disposed to extenuate the iniquity, by telling us, that Marius did not act thus from a spirit of covetousness or cruelty, but because the place was very commodious to Jugurtha, and not accessible to the Romans without much difficulty ; and because the people were an inconstant, perfidious race, not to be kept to duty either by kindness or by severity. But it may here be observed, that, if the historian speaks of the disposition of the Capsenses towards their own prince, he contradicts what he told us before, viz. that they were esteemed a people

The execution of so important an enterprise, without any loss of men, added greatly to the renown of Marius. His soldiers (whom he governed with a gentle hand, and enriched with spoil) extolled him to the skies; while the Numidians, on the other hand, dreaded him as a being more than human. Allies and enemies all believed him to be, at least, inspired, and to act in every thing by the direction of the gods. After what had happened to the Capsenses, few of the towns, against which he advanced, made any opposition; those which did, he forced; the greater number were deserted upon his approach; and he gave them all to the flames: over the whole country were spread fire, slaughter, and desolation.

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The consul closed this campaign with an exploit not less difficult in prospect (if we except what regarded the march of the army) than Capsa had been.

Not far from the river Muluccha, which divided the kingdom of Jugurtha from that of Bocchus, there was, in the midst of a plain, a high and rocky hill, of considerable breadth at top; on which stood a small fortress, or castle, well stored with men, arms, and provisions, and furnished with a spring of water. The way up to this castle was very narrow, and, on each side, bordered with a precipice: the rest of the hill nature had formed, in every part, with such a declivity, as, for its steepness, might well be taken for the effect of human contrivance and industry: mounds and turrets, and the other machinery commonly used in sieges, could not be employed here. Nevertheless, as Jugurtha had here deposited his treasures, Marius set his heart upon making the conquest. The success of his first efforts did not correspond to his hope. To get up to the castle, by the

whose fidelity might be depended upon [*fidelissimi habebantur*]. If he means, that they were perfidious to the Romans, of this the Romans could have no experience. The truth seems to be, that Marius committed this unjustifiable, cruel act, in order to bring the war to a speedy conclusion, by terrifying the Numidians into a desertion of all their towns, without waiting till they were attacked: for we find, by the sequel of the story, that his cruelty had this effect with regard to most of them.

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narrow way above mentioned, was repeatedly attempted in vain. The enemy, with ease, broke to pieces his covered galleries [vineæ], or destroyed them with fire : insomuch that, after losing a considerable number of his bravest soldiers, he began to think of entirely dropping the enterprise. While his mind was in restless anxiety, fluctuating and undetermined, a Ligurian, of the auxiliary troops, going out of the camp, in search of water, observed, on the side of the hill (opposite to that side where the Romans made their attack) some snails crawling about the rocks : he picked up one, and then another, and continued climbing, in pursuit of more, till insensibly he got almost to the summit. Not meeting with any thing to check his progress, natural curiosity prompted him to proceed. In the place where he chanced then to be, was a tall oak, which growing out of the side of the hill, had been forced by the rocky soil, to tend downward at first ; but, when freed from that constraint, had taken a turn, and sprung upward, as all trees naturally do. The Ligurian, availing himself, one while of the branches of this tree, and then of the prominences of the rocks, mounted, at length, so high, as to be able to take a view of the level on which the fortress stood ; nor was he, in any degree, disturbed in his survey, the attention of the Numidians being wholly engrossed by the conflict on the opposite side. When he had made such observations above, as he thought might afterward be of use, he came down by the same way he had gone up, but with more thought and circumspection, considering carefully every step of the descent.

And now, highly pleased with his important discoveries, away he speeds to the general, informs him of all, presses him to attempt the fortress on that side, and offers to be himself foremost in the danger, conductor of the troops that should be appointed to the service. The general immediately orders some of his attendants

to go with the Ligurian, and examine into the truth of his report. Of these, though some bring word that the thing is difficult, yet, others affirming it to be easy, Marius's hope of conquest is revived, and he resolves to make the experiment.

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Out of the trumpeters belonging to the army, the consul chose five, that were deemed the most active and nimble of the whole corps: and he gave to these, for a guard, four centurions [with their companies], commanding all to observe the directions of the Ligurian, and appointing the very next day for the execution of the design.

The soldiers of the detachment were bareheaded (that they might the better see their way), and barefooted (that they might climb the more easily), and being wonderfully assisted by the dexterous activity of their guide (as the historian relates the adventure), made a shift, though with great difficulty, to mount to the top of the hill. Marius, in the meantime, had only kept the enemy in a continued alarm, in order to fix their attention wholly to his side; but now, having learnt how far his detachment had succeeded, he sallied out of his covered galleries, and causing his men to form a tortoise, that is, to cover themselves with their shields close compacted, led them on towards the fort: his archers, slingers, and engines for casting stones and darts, he employed, at the same time, to distress the enemy. The besieged, emboldened by former successes, fought now, not behind, but before the walls of their castle, and the defence they made was vigorous and resolute, till on a sudden, they heard the sound of trumpets behind them. Consternation, flight, dispersion, and despair, ensued. The Romans pushing on, over heaps of slain, quite to the castle, entered with the fugitives (or scaled the walls), and became masters of the place.^a And thus had Marius the good fortune

^a The particulars of this action, as related by Sallust, if the reader understands

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to draw glory to himself, even from his own inexcusable temerity.

It was during the siege of this fortress, that the consul's quæstor, Lucius Cornelius Sylla, made his first appearance in the camp; bringing with him a considerable body of horse, which in pursuance of orders from his general, he had raised in Latium, and among the allies.

Sylla was descended from Cornelius Ruffinus, whom, in the year 478, after he had been twice consul and once dictator, the censors Fabricius and Æmilius expelled the senate for having ten pounds of silver plate in his house^b: and this branch of the noble Cornelian family had made no figure in the republic since that time, and was almost sunk into obscurity, as well as poverty, when “Sylla produced it again into light, by aspiring to the honours of the state. He had been carefully instituted in all the learning of Greece and Rome; but from a peculiar gaiety of temper, and fondness for the company of mimics and players, was drawn, when young, into a life of luxury and pleasure: so that Marius (if we may believe Valerius Maximus) complained, that in so rough and desperate a service, chance had given him so soft and delicate a quæstor. When he arrived in Africa, he knew nothing of the art of war; but, whether roused by the example, or stung by the reproach, of his general, he behaved himself in the quæstorship with the greatest vigour and courage, suffering no man to outdo him in any part of military duty or labour.” Backward to receive favours,

them, it is well; the transcriber confesses he does not. The fort seems to have been taken by surprise, much in the same manner as the English sailors took Gibraltar in 1704; but, as to Marius's advancing his vineæ almost to the walls of the castle, and his being engaged in conflict with the Numidians under the walls of it, this seems inconsistent with the historian's account of the difficulty of ascending thither. “Mons saxeus, mediocri castello, satis patens, in immensum editus, uno perangusto aditu relicto: nam omnis natura, velut opere, atque consulto, præceps. Iter castellanorum angustum admodum, utrinque præcisum; vineæ cum ingenti periculo frustra agebantur. Nam cum eæ paulo processerant, igni, aut lapidibus corrumpebantur; milites neque pro opere consistere, propter iniquitatem loci; neque inter vineas sine periculo administrare; optumus quisque cadere, aut sauciari; cæteris metus augeri.

^b Plut. in Sylla. Vel. Pat. lib. 2. Vel. Max. 6. 9. Sallust.

eager to requite, when he had received ; ready to assist all who asked his assistance, and even doing kind offices to many without waiting to be asked ; making himself equal and familiar to the lowest of the soldiers, and yet in his converse with them, never seeking to wound the reputation of his general, or of any other worthy person (the common practice, says Sallust, of wicked ambition) : by all this he soon acquired, not only the character of a brave and skilful officer, but the affection both of Marius and of the whole army.

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Jugurtha, after the loss of Capsa, and other his best fortified and most important places, together with an immense treasure, became sensible that nothing could retrieve his affairs, but a victory in the field ; he sent messengers therefore to king Bocchus to urge him to march his forces with all possible expedition into Numidia ; for that now was the time to give battle to the enemy. The Mauritanian demurred ; it was found necessary to bribe his ministers ; nor could these prevail till he himself was bribed with a promise from Jugurtha, of a third part of Numidia, in case the Romans should be driven out of Africa ; or the Numidian king, by a treaty of peace, be left in possession of his dominions entire. Allured by this offer, Bocchus came, with a numerous army, to the assistance of his ally. Marius was moving off towards his winter-quarters, when, about an hour before night, he found himself, on a sudden, encompassed on all sides by the united forces of the two kings. They had chosen not to appear till towards the close of the day, because darkness, in case they were defeated, would be advantageous to them ; and, in case they proved victorious, would be no disadvantage, they being well acquainted with the country ; whereas, in both cases, to the Romans, who were strangers, the night would unavoidably create difficulties and perplexity. The consul's army being attacked and broken in upon in divers parts, before he could put it in any

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order for battle, or give out any word of command, the soldiers, both old and new (for these latter had learnt so much of the art of war), threw themselves into circular bodies, and thus, fronting every way, sustained the charge of the enemy. In this surprise, hurry, and confusion, Marius, though unable to perform all the functions of a general, yet, with a troop which constantly attended him (and which he had filled with men chosen rather for their bravery than on account of any personal regard), flew about to every quarter; one while succouring his own people in distress, then falling in amongst the thickest of the enemy, and still fighting valiantly in person, so that he both assisted his soldiers and gave them an example of courage unappalled by danger. The day was now spent, and the ardour of the barbarians did not slacken, but rather increased, from the persuasion they had, that the night would be favourable to them.

Marius, counselled by the distress of his situation, in order to secure a retreat for his men, seized upon two hills that stood very near each other; on the one, not spacious enough for an encampment, yet happily furnishing a plenteous spring of water, he directed Sylla to pass the night with the cavalry: he himself, having gradually drawn together his disordered infantry, led them up the other hill, which, for the most part, being high and steep, and, therefore, requiring little fortification, was very commodious for a camp. The two kings, though compelled to cease the fight by the difficulty of following him, did not suffer their forces to retire, but made them spread themselves round both hills: and these barbarians, having kindled many fires, spent the greater part of the night in mirth and riot, dancing and shouting; which was their customary manner on the like occasions: even the leaders, because they had not run away, were highly elated, and behaved themselves as if they had been victorious. Marius, from his hill,

perceiving their folly, forbade the usual sounding of the trumpets at the watches of the night, and ordered a perfect silence to be kept throughout his camp: but, when morning approached, and the barbarians, fatigued with their sports, were fallen asleep, he commanded the trumpeters of his army to sound all at once, and all the soldiers to give a shout, pouring down at the same time upon the enemy; who awaking suddenly at the noise, were so struck and stupified with fear, as to be incapable of attempting a defence. More of the Africans are said to have perished in this surprise, than in all the former battles.

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And now the consul renewed his purpose of retiring into winter-quarters; and, because of the plenty of provisions, always to be had in the maritime towns, thither he bent his course. In this march, notwithstanding his late success, and the total disappearing of the enemy, he used the same circumspection and precaution, as if their forces had been in sight. The army advanced in the form of a square; on the right of which were the cavalry, commanded by Sylla; on the left, Manlius with the archers and slingers and the Ligurian cohorts; before the front and behind the rear of the main body marched the light-armed infantry, under the conduct of the tribunes; the deserters, of small account as soldiers, yet useful, because acquainted with the country, were sent out to discover. At the same time, the consul, as if he had appointed no officers under him, was himself every where, attentive to every thing, commending and reprimanding with just distinction. Nor was he less careful in a camp than on a march. Going the rounds in person, he visited the watch and every quarter; not so much from any distrust of those employed to execute his orders, as from a persuasion, that the soldiers would more willingly submit to labour and fatigue, if they saw their general partake with them therein. And, indeed, during the whole time that he had the conduct of this war,

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he kept his men in good discipline more by the fear of shame, than of punishment. Many imputed this to ambition, and to a desire of ingratiating himself with the soldiers; while some imagined, that being inured, from his early youth, to hardships and labours, he took a real delight in what the rest of the world call distress and misery. Be that as it will, this is certain, the interest and honour of the republic could not have been more advanced by the exercise of the utmost rigour in command, than they were by his mild and gentle methods.

After four days' march, when the Roman army drew near to Cirta, the scouts, which Marius had sent out, appeared on a sudden, hastening back, all at the same time; a sure sign that the forces of the enemy were not far off. But as these scouts came from different quarters, and yet made one and the same report of the enemy's approach, the consul could not possibly know on which side he should be attacked. To be prepared, therefore, on every side, to sustain the charge, he kept his men in the very order of their march, and halted where he then was. This measure disappointed Jugurtha; for he had divided his strength into four parts, flattering himself that some one of them would certainly have an opportunity of coming upon the backs of the Romans. The Moorish horse began the action, boldly charging the Roman cavalry, commanded by Sylla, who discovered great ability as well as resolution in sustaining the shock and repulsing the enemy. During this conflict king Bocchus, at the head of a body of foot, just brought him by his son Volux (who, loitering in his march, had not been in the former battle), attacked the rear-guard of the Roman army. Jugurtha, with the most numerous division of his troops, faced the Roman van, conducted by Marius in person; but he no sooner received advice of Bocchus's being come up, than he privately, with a few attendants, wheeled off to that king's

body of infantry, crying aloud, as he joined them, "It is in vain for the Romans to continue the fight; for I have just now killed Marius with my own hand." And this he spoke in Latin,^a that the Roman soldiers might understand him; at the same time he shewed them his sword, red with the blood of a foot-soldier, whom, with his own hand, he had killed a little before. How much reason soever the Romans had to suspect the veracity of the reporter, it did not hinder the report from having, in great measure, the desired effect. They were terrified and disheartened; while, on the other hand, the barbarians, inspired with fresh courage, pushed their enemies with more vigour and fury than before; inso-much that these were on the very point of running away, when Sylla, who had routed the cavalry of the Moors, and was happily returned from the pursuit, recovered the day by falling suddenly on the flank of their infantry. King Bocchus instantly fled. Jugurtha, tenacious of the advantage gained by means of his stratagem, obstinately continued the fight, till the few horsemen that attended him were all slain, and he found himself enclosed on the right and left by the Roman cavalry; singly he then broke through all opposition, escaping unhurt by a shower of darts that were thrown at him as he went off. About the same time the consul, who, after putting the Numidian horse to flight, received notice that his rear-guard had given ground, was coming with all diligence to their succour. In conclusion, the Africans were totally routed on every side.^b

Marius, now unquestionably conqueror, and pursuing his march without farther molestation, arrived at Cirta. Hither, about five days after the battle, came ambassa-

^a Jugurtha had learned the Latin tongue in Spain, while he served under Scipio, at the siege of Numantia.

^b According to Orosius, (lib. 5. c. 15.) the action near Cirta lasted three days. At length, the victory fell to Marius by means of a mighty fall of rain, which, while it refreshed the Romans, faint with thirst, rendered useless the shield of the barbarians. For being covered with elephants' skins, the nature of which (he says) is to suck in water like a sponge, they became too heavy for the arm.

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dors from king Bocchus, with this request, “That the consul would be pleased to send to him two persons, of principal trust, with whom he might amicably confer upon matters which concerned both his interest and that of the Roman people.”

The consul, without delay, dispatched Manlius and Sylla, to negotiate with the Moor. These deputies, though sent to the king at his desire, judged it advisable to speak to him before they heard what he had to say to them; to the end that, if he were inclined to war, they might, by their rhetoric, dispose him to peace; and, if desirous of peace, add more warmth to that desire.

Sylla, to whom, not as senior, but as the more eloquent, Manlius, on this occasion, yielded the precedence, addressed the king in words to the following effect:

“King Bocchus, it is a singular pleasure to us, that the gods have at length disposed so great and worthy a man as you to be our friend rather than our foe; and have admonished you to break that unnatural union, which, to the injury of your own most excellent character, you had formed with Jugurtha, the very worst of men. We, to our inexpressible joy, are hereby freed from the odious necessity of pursuing, with one and the same undistinguishing sword of vengeance, him, the most criminal of offenders, and you, who have only been led into a mistake.”

Having thus paid the due compliment to the king's transcendent merit, the orator proceeded to inform him, “That the Romans had always, even from their low beginning, made it their choice to have friends rather than slaves, and had thought it safer to rule over willing subjects than such as are compelled to obedience. [Do you want an ally?] It is impossible for you to have a more commodious alliance than ours; because, in the first place, we are at a great distance from you, so that there cannot easily happen any occasion of quarrel be-

tween us ; and yet we can be as friendly and serviceable to you, as if we were your near neighbours ; and, in the next place, we have vassals in abundance, more than enough ; but neither we nor any other people ever so abounded with friends, as not to wish for more.”

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After these, and some other such-like empty words, they intimated to him, “ that he had now a fine opportunity of correcting his mistake, and that the Romans were a people who never suffered themselves to be outdone in acts of kindness.”

Bocchus is said to have answered in very soft and gentle terms, apologizing for his error, and assuring the deputies, “ That he had taken arms with no purpose of hostility against the Romans, but purely to defend his own territories, being unable patiently to see a part of Numidia, which, by right of war, belonged to him, as having conquered it from Jugurtha, laid waste by Marius. That he had formerly sent ambassadors to Rome with an offer of his friendship, and that his offer had been rejected : that, however, he chose to be silent on that head, and should willingly now, if Marius would give permission, dispatch a second embassy to the Roman senate.”

Vide supr.
p. 76.

It would seem that Manlius and Sylla expressed their approbation of this proposal : yet we find that it was not put in execution till some time after their departure. For Jugurtha, being informed of their arrival, and fearing the consequences, had, by rich bribes, gained to his interest some of the king's favourites ; and through the influence of these, the Moor fluctuated awhile in uncertainty and irresolution. At length his fear of the Romans got the ascendant in his mind ; and he then appointed five of his chief confidants, men of approved fidelity and ability, to be his ambassadors to Marius : and they were secretly empowered to conclude a peace upon any terms, in case the consul permitted their proceeding to Rome, to negotiate that affair.

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Marius, after disposing his troops in winter-quarters, had, with a detachment of his cavalry and light-armed cohorts, made an excursion into a solitary part of the country, there to besiege the tower, wholly garrisoned by Roman deserters; and he was at this time engaged in that enterprise.

The Moorish ambassadors, in their journey to the winter-quarters of the Roman army, fell into the hands of some Getulian robbers, and were by them stripped so bare, that when they appeared before Sylla, who, in the absence of Marius, commanded in chief, they made a most despicable figure. Sylla, nevertheless, received them with all the respectful civility due to their character, and not only supplied them with every thing necessary, but, over and above, made them noble presents; a liberality, which wrought on their minds with such power, as to convince them fully, that all the reports they had heard of Roman avarice were false; and that Sylla was sincerely their friend. “For even at that time (says the historian), there were many persons ignorant of the practice of giving in order to corrupt, and who imagined that no man was munificent but from good-will: that all presents were unquestionable proofs of kindness.” Under the force of this persuasion, the ambassadors of king Bocchus disclosed to their Roman friend the whole of their instructions, requesting his advice and assistance in the business committed to their care. Sylla promised every thing they asked, and counselled them in what manner to address the consul, and, afterward, the senate.

Cap. 111.

Forty days they had been waiting to perform their commission to Marius, when he, having failed in his enterprise, returned to Cirta; and from thence (being there informed of their arrival) signified his pleasure, that they and Sylla should come to him from Utica; he summoned likewise the prætor of that place; and, from every quarter of the province, such of the Romans as

were of senatorian rank. Before this council he laid the business with which the king had charged his ministers ; and the result of the deliberation was, permission to them to proceed to Rome ; and a cessation of all hostilities till their return. Of the five Moors, three set out for Italy ; the other two returned to the king ; who, though he heard with pleasure all the particulars of their report, was with nothing so much delighted as with their account of that extraordinary warmth of friendship which Sylla had for him.

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About this time the consular fasces were transferred to C. Atilius Serranus, and Q. Servilius Cæpio ;^c but Marius, in quality of proconsul, remained, by order, at the head of affairs in Africa.

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The Moorish ambassadors arrived at Rome, and had an audience of the senate ; where, having first confessed that their master, misled by the wicked artifices of Jugurtha, had been faulty, they prayed, that he might be forgiven his fault, and be admitted into friendship and an alliance with the Roman republic.

To which humble address they received this answer :

“ The senate and people of Rome are not accustomed to forget either services or injuries. Since Bocchus repents of his fault, they grant him pardon. Friendship and an alliance he shall obtain, when he has deserved them.”

Bocchus, on receiving advice of what had passed, requested of Marius, by letter, to send Sylla to him once more. The proconsul complied ; Sylla, escorted by a detachment of cavalry, and light-armed infantry, set out for Mauritania. On the fifth day of his journey, a body of horse appeared on a sudden, in a wide plain. They did not exceed 1,000, yet, by the loose order of their march, were so spread as to seem much more numerous to the Romans ; who likewise imagined

^c This consulship was memorable for the birth of Pompey the Great, and of Cicero. Vell. Pat. lib. 2. A. Gell. lib. 15. c. 28.

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them to be enemies, and therefore instantly prepared to receive them as such. This apprehension of danger was, however, quickly removed by the return and report of some horsemen sent out to discover. And presently after, Volux, the son of Bocchus, riding up, and addressing himself to the quæstor, informed him, that the troops he saw had been sent by the king to meet him and to be his guard. After this, the two corps joined; and they marched that day and the next without any alarm. But, in the evening, when they had pitched their camp, Volux, with a look of consternation and distress, comes hastily to Sylla, tells him, Jugurtha is not far off; the scouts have brought this intelligence; entreats and presses him to steal away privately in the night, and begs to be the sole companion of his flight.

Sylla disdainfully answered, that he neither feared the Numidian, who had been so often routed, nor distrusted the courage of his own men; but, were he sure to perish, he would stand his ground, rather than, by treacherously deserting soldiers committed to his conduct, preserve an uncertain life, which he might possibly lose in a very short time by some natural and common distemper.

Nevertheless, when Volux advised that the whole army should move off in the dark, the quæstor approved of this measure; and accordingly gave orders, that the soldiers, when they had supped and lighted many fires in the camp, should set forward at the first watch of the night.

At sunrise, when, all being thoroughly fatigued with their nocturnal march, Sylla was marking out ground for a camp, the Moorish scouts brought tidings, that about two miles before them, directly in their way, Jugurtha had posted himself with all his forces. The Roman soldiers, in mighty consternation, presently imagined themselves betrayed by Volux, and some were for executing vengeance upon the traitor without delay.

Sylla had the same suspicion of the young prince, yet would not suffer him to be hurt. He exhorted his Romans to call up all their courage, putting them in mind, that, in frequent instances, a few brave men had prevailed against multitudes; he invoked Jupiter to witness the perfidious wickedness of Bocchus; and, then, turning to the prince, "Volux, you have the heart and intentions of an enemy; begone out of my camp this instant!" The prince, with tears in his eyes, begged of the quæstor not to harbour that suspicion, assuring him, that what had happened was wholly owing to the vigilant subtilty of Jugurtha. "By his spies he got notice of my coming to meet you, and learnt the route I was to take. However, since he has no great numbers with him, and has placed in my father all his hopes, it is not probable he will venture upon any open attempt while I am here. So that I think the best course will be, confidently to pursue our way, and march through the very midst of his camp. I will either send my Moors forward, or leave them here, behind, as you shall choose, and I will, alone, accompany you."

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Nothing more advisable occurring to Sylla's thoughts, and his critical situation not allowing time to deliberate, he followed the prince's counsel; which, by the event, appeared to have been both sincere and judicious: for they passed on safe and unmolested; and in a few days, they arrived at the place whither they had been directed to go.

[The historian accounts for the inaction of Jugurtha, on this occasion, by supposing him to be held in suspense and irresolution by surprise, as not having imagined that the Romans would come on; but, perhaps, it would be better accounted for, by saying, that the Numidian was too able a politician, to act so very foolish a part, as what they had apprehended.]

There was at this time in the court of king Bocchus, and upon a foot of freedom and familiarity with him, a

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certain Numidian, named Aspar, whom Jugurtha (having received intelligence of Sylla's being sent for) had dispatched thither, to be a spy upon the actions of the Moor, and to discover his intentions. Dabar, another Numidian, was likewise about the king, at the same time, and highly favoured by him on account of his many excellent talents. This man, whose father was the son of Masinissa, by a concubine, had, in many instances, shewed himself a zealous friend to the Roman interest: for which reason the Moor fixed his choice on him as the fittest person he could employ, to be his messenger to the Roman quæstor; and he gave him in charge thus to say:

“Bocchus is ready to perform whatever the Roman people require of him. He refers it to you, Sylla, to appoint the place and time for your conference. Aspar must be summoned to it; otherwise it will be impossible to avoid the insidious wiles of his master: but you need not apprehend any inconvenience from the presence of that minister: for the settling of all matters shall be private, between Bocchus and you alone.”^d

Sylla answered, that “he would not speak fully of the business of his commission, but to the king, when no other person was present, or at most, very few; and that what he purposed to say before Aspar would be very short.” At the same time, he furnished Dabar with the answer which the king was to give to it.

Place and time were appointed, and the parties, accordingly, met, Sylla, addressing himself to the king, “I was sent by the Roman consul to ask you, whether you are for peace or war.” To which Bocchus, pursuant to his instructions, “If you will come hither again ten days hence, you shall have an answer. I am not, at present, resolved.” This said, each retired to his

^d Sallust pretends (seemingly without any good reason) that Bocchus was not sincere in this message; and that he was, a long time, in debate with himself, whether he should betray Jugurtha to Sylla, or Sylla to Jugurtha. “Sed ego comperio Bocchum magis Punica fide quam,” &c.

camp. But, when the night was far spent, the king sent privately for Sylla, who being come, and nobody else present, except trusty interpreters, and Dabar, who was sworn to secrecy, Bocchus opened the conference with a speech. If the speech given us by Sallust be genuine, it may, perhaps, for unmeaning words, vie with that which Sylla formerly made to the king.

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Vide supra,
p. 92.

What Bocchus said to the purpose was this: "That he would henceforward take no part in the war between the Romans and Jugurtha; would never stir beyond the river Mulucha, which had been the boundary between himself and Micipsa; nor even suffer Jugurtha to come within that limit." He added, "If you have any thing farther to ask, worthy of me and of the Romans, it shall not be refused."

To this, Sylla answered, "That the Roman arms having been successful in the war, the senate and people of Rome could not possibly think themselves under any obligation to him for the offers he had made: that, if he desired to oblige them, he must do something that would appear to be done for their interest more than for his own; and that this would not be difficult; for, as he now had Jugurtha in his power, he might deliver him up to the Romans; who would, then indeed, be greatly indebted to him, and then every thing he desired would follow of course, friendship, alliance, and that part of Numidia which he claimed."

Bocchus objected: "His ties of affinity and consanguinity with the Numidian, the treaty of confederacy between them, as likewise the danger to himself, should he act so faithless a part, of thereby losing the affections of his people, who loved Jugurtha and hated the Romans:" nevertheless, wearied out by importunate solicitation, the Moor consented at length, to do all that Sylla desired, and it was then agreed to deceive Jugurtha, by making him hope he should be included in the treaty of peace between Rome and Mauritania.

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Accordingly, Bocchus, the day following, intimated to Aspar, that the Romans were willing to terminate the war upon conditions; that he had learnt this from Sylla by Dabar, and, therefore, wished to know the disposition of the Numidian king. Away went Aspar, full of joy, to the camp of his master: and, after eight days, returned with this answer: "Jugurtha would gladly come into any measures for putting an end to the war; but having, more than once, experienced that treaties, made with Roman generals, are vain and ineffectual, has little reason to trust Marius. If Bocchus be desirous of procuring a peace, that shall be durable and advantageous, both to himself and to his ally, let him contrive a meeting of all the parties, as if to confer about peace, and there deliver up Sylla into the hands of Jugurtha. A valid treaty, a treaty made by order of the senate and people of Rome, will then infallibly ensue; for they will never suffer to remain in the power of his enemies such a man as Sylla,^e a man of his im-

^e *Talem virum*. Sallust, when he puts these words into the mouth of Jugurtha, seems to have forgot that Sylla was, at this time, a man of very little consequence. His family, though noble, had sunk into obscurity, his fortune was low, nor does either his reputation or his interest seem to have risen to any considerable height, before the Social War. He could not obtain the prætorship till he was past the legal age; and, when he did obtain it, it was thought to be by the force of bribes.

But, perhaps, the historian by *talem virum* means no more than that Sylla was quæstor of the Roman army, and *homo nobilis*, as he styles him in the same passage.

As to Jugurtha's attempt to persuade king Bocchus, that the most effectual means to obtain from the Romans an advantageous and durable peace, would be, to betray a Roman quæstor (then bearing the character, too, of an ambassador) into the hands of their most hated enemy, it only indicates, that the Numidian looked upon the Moor as a very weak prince, and wholly unacquainted with the temper of his enemies. For, that Jugurtha himself did not imagine he should be enabled, by the possession of Sylla's person, to procure a peace with Rome, we may well conclude from his neglecting to seize him, when he with Volux (not long before), in their way to the court of Mauritania, passed through the Numidian camp. Doubtless Jugurtha's sole view in his endeavours to engage king Bocchus in so unpardonable an act of treachery, was to make the condition of the Moor as desperate as his own; in which case he might have counted upon the steadiness of his ally, and been able to hold out some years longer against the Romans.

Vid. supr.
p. 97.

This, I say, from the idea given us by the historians of Jugurtha's abilities, we shall naturally conjecture to have been the aim of his proceeding; not a peace with Rome, but means to continue the war.

At the same time, it must be confessed, that some parts of Jugurtha's conduct seem quite irreconcilable with common sense, and would incline one to believe, that he was really frightened out of his wits.

A late excellent writer observes, that "nothing is more common than to see men give themselves up to a passion—to their known prejudice and ruin, and in direct contradiction to the loudest calls of self-love.—Every caprice of the imagination,

portance, a Roman noble, fallen into captivity, not through cowardice, or any neglect of duty, but through a warm zeal to serve his country."

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Bocchus, when he had a good while pondered this advice, promised to follow it. But whether he, at that time, meant to perform his promise (the historian tells us) is uncertain: because though he frequently renewed it, he as often gave the like promise to Sylla.

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In the night preceding the day appointed for the conference, the Moor gathered about him his chief confidants, changed his mind on a sudden, dismissed them, and fell into great perturbation of mind; betraying, by the frequent alterations of his countenance, the inward struggles by which he was agitated. At length, however, he sent for Sylla, and, in concert with him, laid an ambush for the Numidian king.

Next morning, upon notice brought that Jugurtha was not far off, Bocchus, as if to do him honour, went out, accompanied by a few courtiers, and by the Roman quæstor, to meet him at a certain eminence, that was in view of the men lying in wait. To this eminence the Numidian, attended by a considerable number of his friends, came unarmed, according to agreement. The signal instantly given, the ambush rose, surrounded Ju-

every curiosity of the understanding, every affection of the heart, is perpetually shewing its weakness (the weakness of self-love) by prevailing over it. Men daily, hourly, sacrifice the greatest known interest to fancy, inquisitiveness, love, or hatred, or any vagrant inclination."

Therefore, that Jugurtha, whose greatest interest (that which his habitual self-love called loudest for) was the undisturbed possession of the kingdom of Numidia, should, nevertheless, from his fear or jealousy, or hatred of a rival, expose himself, when at Rome, to the resentment of the Roman people, by murdering Massiva; and that in revenge of the insult put upon him by the Romans, in constraining him to appear at the bar of the people's judicature, to undergo an examination, he should compel the whole Roman army, officers, and soldiers (when fallen into his power), to pass under the yoke, may, perhaps, be considered as not wonderful, and only as instances exemplifying the observation above mentioned, viz. that the most cunning, wicked men will, to gratify a particular passion, do actions the most foolishly impolitic with regard to the very interests they are habitually in pursuit of. But that Jugurtha, after the perpetration of that murder, and after putting that gross affront upon the Roman army, should (being in his senses) hope to obtain from the Roman senate and people a tolerable peace, and from the sole motive of that hope, divest himself, in a great measure, of the means of defence, by giving up so large a part of his strength and treasure, as we are told he did to his enemies, presents a difficulty, the solution of which I shall leave to the reader.

Vid. supr.
p. 39, 40.

P. 42.

P. 56.

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gurtha and his followers, seized him, and massacred them: he was delivered up bound into the hands of Sylla, and, by him, conducted to Marius.

Thus ended^f the Jugurthine war, to the real dishonour of both Marius and Sylla, who are said, nevertheless, to have warmly^g contended for the *glory* of that gallant exploit which brought the war to its conclusion.—The *glory* of having engaged Jugurtha's father-in-law and confederate in arms to invite him to a friendly conference, and, under that cover, betray him into the hands of his most implacable enemy.

Marius continued in Africa the remainder of this year, and all the next, till Rome wanted the service of so able a general against the Cimbri and their allies.

CHAP. III.

The war with the Cimbri. The second, third, fourth, and fifth consulships of Marius.

Liv. Epit.
l. 65.
Flor. l. 3.
c. 3.
Tacit. de
Mor. Ger.
c. 37.

WE left the Cimbri, in the year 640, plundering and laying waste Transalpine Gaul. Little more is said of them till the year 644, when they defeated the consul Silanus.^h

Vid. supr.
p. 99.

^f The historians have not been careful to tell us how the newly-conquered country was disposed of. Sextus Rufus says, that Numidia, from the time of Jugurtha's captivity, belonged to Rome: yet Plutarch (in Mario) speaks of a king of Numidia, whom he calls Hiempsal, to whom young Marius, when driven out of Italy by Sylla, fled for protection. The same king, under the name of Mandrestal, is mentioned by Appian, (App. de Bell. Civ. lib. 1. p. 388). From Sylla's promise to Bocchus, it may with some reason be conjectured, that the third part of Numidia was yielded to that prince.

^g In this dispute, father Catrou has espoused Sylla's cause with remarkable zeal—"Thus was Sylla fortunate to a degree not to be paralleled: no embassy was ever more completely successful.—His stars, if I may so speak, delivered him out of all dangers, and accomplished his most sanguine hopes. He had the honour of finishing, almost without the effusion of blood, a war, which Marius had not been able to bring to a conclusion, by many sieges and many victories.—Though a proquæstor only, he, from the time of his first (second) campaign became equal in reputation to the general himself. At least he was looked upon at Rome as the chief conqueror of Numidia. It seems as if justice required that Heaven should give Marius the mortification of seeing the glory of the campaign divided between a subaltern and himself," &c. &c. &c. tom. 14. p. 167.

^h According to Florus, (lib. 3. c. 3.) the Cimbri, before the battle, sent ambassadors to the consul and senate, requesting, that lands might be assigned to them; on which condition they offered to assist the Romans in their wars.

The following year the consul Aurelius had no better success than his predecessor.

And in 648, L. Cassius Longinus (the colleague of Marius in the consulship) suffered a notable overthrow from the Tigurini,* who were probably assisted by the Cimbri. They surprised him in an ambush; where both he and his lieutenant, Calpurnius Piso, lost their lives. His other lieutenant, Popillius, made a shameful capitulation with the barbarians; for he consented to give hostages, deliver up the half of his baggage, and pass with his army under the yoke. Being arraigned at his return to Rome, for misconduct, he went into banishment to avoid a trial.

In the present year (647), it fell by lot to the consul Servilius Cæpio to conduct the war against the Cimbri in Gallia Narbonensis.

Before his departure from Rome, he obtained a law in favour of the senators. Caius Gracchus had transferred from them to the knights, the administration of justice. Some of the senators (the number uncertain) were now admitted to be of the bench of judges: and Cæpio, for thisⁱ service, got the title of patron of the senate.

Cæpio, after his arrival in Transalpine Gaul, recovered, from the Cimbri, Tolosa, the capital of the Tectosages. The inhabitants of the place had been in alliance with Rome, and had received a Roman garrison: which they afterward betrayed to the barbarians: but now they, by night, admitted the consul into the town; who, nevertheless, gave it up to be plundered by his soldiers. He is said to have found in the temples an immense

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* A People of Switzerland.

Strab. l. 7. p. 293.

Liv. Epit. l. 65.

J. Cæs. de Bell. Gall.

l. 1. c. 10.

P. Oros. l.

5. c. 15.

Auct. ad Herenn. l.

1. c. 15.

Oros. loc. cit.

Cic. in Brut. c. 44.

Jul. Obseq.

c. 39.

Val. Max.

l. 6. c. 9.

§. 13.

Dio Cass.

ap. p. 630.

ⁱ For the same reason, doubtless, it is, that Cicero (in Brut. c. 35.) commends him; whilst other writers give him an odious character. Crassus, the famous orator, spoke in favour of Cæpio's law; (Cic. in Brut. c. 42. 44.) and his speech on that occasion served Cicero for a model by which to form his own eloquence. It would seem that a part of the speech was to the following effect: "Deliver us (said the orator, addressing himself, in the name of the senate, to the people) from our miseries. Rescue us from the jaws of those, whose cruelty cannot be satisfied without blood: rescue us from slavery; do not suffer us to be held in bondage to any but yourselves, to whom we can and ought to be slaves." Cic. de Orat. lib. 1. c. 52. et Parad. 5. c. 3.

quantity of gold,^k the greatest part of which he appropriated to his own use: nay, Orosius tells us, that the consul, having sent away this treasure under a guard to Marseilles, treacherously caused that guard to be massacred in the way, and then made the whole his own.

It would seem that Cæpio's forces were not sufficient to oppose the Cimbri, for, after the election of P. Rutilius Rufus and Cn. Mallius¹ Maximus to the consulship, the latter, by order, led an army to Cæpio's assistance, who, at the same time, was continued in his command in quality of proconsul.

On Mallius's arrival in Gaul, he and Cæpio divided the province between them, and made the Rhone their boundary. Soon after, the Cimbri fell upon a part of the consul's army, commanded by his lieutenant Aurelius Scaurus (who himself had been consul three years before): they defeated it, and took the commander prisoner.

Mallius, terrified by this disaster, thought it proper to call Cæpio to his succour. The proconsul, at first, haughtily answered, that each ought to take care of his own province: yet, presently after, fearing lest Mallius should obtain a victory over the enemy without him, he passed the Rhone; but would neither encamp his forces with those of the consul, nor consult with him. Confident of success, and bent upon having the whole glory of it, he encamped his troops between those of Mallius and the Cimbri.

The barbarians had been informed of the misunderstanding between the two Roman generals; but, from Cæpio's motions, imagining now that they were reconciled, sent deputies to the consul to treat of an accom-

^k Authors differ about the value of this treasure, but all their accounts seem extravagant. Posidonius, as quoted by Strabo, (lib. 4. p. 188.) reckons it at 15,000 talents. Orosius makes it 100,000 pounds' weight of gold, and 110,000 pounds of silver; and Justin (lib. 32. c. 3.) raises it to a much higher sum. It happened, that every one who had a hand in seizing this gold came to some miserable end; whence it became a common proverb to say of a man reduced to extreme misery, He has got some of the gold of Toulouse. A. Gell. lib. 3. c. 9.

¹ Cicero (pro Planc. c. 5.) calls Mallius an obscure man, without virtue, without sense, of manners vulgar and contemptible; and complains of the Roman people for preferring him, at this election, before his competitor, Q. Catulus.

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Oros. l. 5.
c. 16.

Liv. Epit.
l. 67.

Dio Cass.
ap. Vales.
p. 630.

P. 633.

modation. Cæpio, into whose camp, as nearer to them than the other, they naturally came, finding that it was not to him, but to the consul, they had orders to address themselves, far from treating them in the manner due to their character, was once, in his rage, upon the point of putting them to death. His proceeding did by no means please either the soldiers or the officers of his own army; who, apprehending fatal consequences from such intemperate passion, forced him, in a manner, to repair to the consul's camp, there to deliberate upon the measures proper to be taken. Nothing was concluded; the whole time passed in dispute, mutual reproaches, and affronts: and the two generals parted more exasperated than ever against each other.

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In this ill humour they had the folly to come to a battle with the enemy, in which they were totally defeated: they lost 80,000 men, besides servants, sutlers, and other followers of the camp, to the number of 40,000. It is said, that scarce ten of the whole army escaped with the two commanders to carry the news of the defeat to Rome. Of this number was the famous Sertorius, who, though wounded, yet, according to Plutarch, swam across the Rhone in his armour.

Liv. Epit.
l. 67.
Val. Ant.
ap. Oros.
l. 5. c. 16.

Plut. in
Sertor.

The conquerors,^m pursuant to a vow they had made, reserved to themselves nothing of the spoil: they threw the gold and silver into the river, cut to pieces the arms and clothes of the dead, drowned the horses, and hanged up their prisoners upon trees. And it being now unanimously determined, in council, to invade Italy, they sent for their prisoner Aurelius, probably with a view to learn something from him that might be of use to them in their intended expedition: Aurelius endeavouring to persuade them not to pass the Alps, because the

Oros. loc.
cit.

^m Eutropius and Orosius mention four nations who shared in this victory, the Cimbri, Teutoni, Tigurini, and Ambrones. Plutarch ascribes the principal glory of it to the last, who appear to have been a people of Swisserland: he speaks of them as the bravest and most terrible of the whole allied army; they were 30,000 in number.

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Liv. Epit.
l. 67.

Romans were (he said) invincible, Bojorix, one of the Cimbrian chiefs, killed him upon the spot.

The alarm and consternation which the loss of the army occasioned at Rome, exceeded all imagination. The people, who imputed it wholly to Cæpio, were so enraged against him, that they deposed himⁿ from his command, and confiscated his estate: a proceeding, of which there had been no example; no general, how culpable soever, having received the like affront.

Val. Max.
l. 2. c. 3.
§. 2.

Rutilius, the colleague of Mallius, had direction to raise new forces to oppose the barbarians. He performed his commission with an extraordinary care, being the first who introduced the custom of teaching the soldiers the use of their weapons by masters taken from the schools of the gladiators: a practice adopted by the succeeding generals; and, in later times, mention is made of these masters for the soldiery, under the name of campidoctores.^o

At the next election of consuls, Marius, then absent, and who had been consul but three years before, was, by the voice of the whole Roman people, named for one, though the laws forbade any man, who had held that station, to be placed in it again without an interval of ten years, and likewise forbade the choosing any man to it who did not stand candidate in person. Neither Metellus, vainly boasted of by his party as the conqueror of Numidia, nor any other of the nobles, had the

ⁿ The next year, L. Cassius, tribune of the people, passed a law, ordaining, that no person, who had been condemned and deprived of his command by the people, should sit in the senate. Cæpio's name was not inserted, but he was the only person affected by this law. Ten years after his first condemnation, he was accused a second time before the people, by the tribune Norbanus, on account of his sacrilege in seizing the gold of Toulouse. The orator Crassus undertook his defence. Scaurus, president of the senate, espoused his cause, and two of the tribunes opposed their colleague's proceeding; but violence, which was then grown common at Rome, decided the affair. In a tumult that ensued, Scaurus received a blow with a stone, and, together with the opposing tribunes, was put to flight; and Cæpio was condemned. It is not certain what became of him afterward. According to Strabo, (lib. 4. p. 188.) he was banished, and retired to Smyrna; but Valerius Maximus (inconsistently with what he relates, lib. 4. c. 7.) tells us, (lib. 6. c. 9.) that Cæpio was strangled in prison, and his carcass ignominiously dragged with a hook to the Gemoniæ.

^o This year the Lusitanians defeated a Roman army in Spain. Jul. Obseq. c. 40.

confidence to stand in competition with him in this time of real danger. Gallia Narbonensis was the province assigned to him; Italy to his colleague, C. Flavius Fimbria.

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Marius, on his return to Rome, had a triumph for his conquest of Numidia. The principal ornaments of the procession were Jugurtha and his sons in chains. It is said, that the king appeared like a man out of his senses. The ceremony over, he was thrown into a dungeon, being condemned to be there starved to death. The jailors, in their haste to strip him, tore off the tips of his ears to get the pendants he wore in them. Six whole days he passed in the dungeon struggling with famine, and retaining to the last moment an ardent desire of life.^p

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sulship.
Sall. Bell.
Jugurth.
in fin.
Liv. Epit.
l. 67.
Plut. in
Mar.

Marius, through absence of thought, went into the senate, after the ceremony, in his triumphal robe, which was unprecedented. Perceiving the whole assembly surprised and shocked at the novelty, he instantly left the house, and, in a very short time, returned in the usual habit.

Frontin.
Stratag.
l. 4. c. 2.
§. 2.

So well had Rutilius disciplined the new-raised troops, that Marius, having his choice, preferred them, for the expedition against the Cimbri, to the army which he himself had commanded in Africa. He chose Sylla for his lieutenant, as thinking him (says Plutarch) a man of too little consequence to give him jealousy.^q

^p It is thought that Jugurtha's two sons passed their days in captivity at Venusia. App. de Bell. Civ. lib. 1. p. 376.

^q We have here an instance (and there are many such) of Plutarch's want of memory, or, perhaps, of his little concern to make his stories either probable or consistent with one another.

In his Life of Marius, after relating how Bocchus betrayed Jugurtha into the hands of Sylla, he immediately adds the following account.

"This gave the first rise to that sad and deplorable civil war which almost ruined the whole Roman empire: for many that envied Marius, ascribed the success wholly to Sylla: and Sylla himself made a seal, whereon was engraven, Bocchus delivering up Jugurtha to him: and this he constantly used, whereby he highly provoked Marius, a man extremely ambitious and jealous of a rival for glory," &c.

We have again, in the biographer's Life of Sylla, the successful negotiation of the quæstor, his vanity, his seal, and the consequent anger and jealousy of Marius.

"For this success Marius triumphed; but being conscious that the glory of the achievement was due to Sylla, envy made him grieve inwardly: and Sylla, being himself naturally vain, and this being the first time that, from a low and private con-

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And now, instead of being too gentle and remiss in point of discipline, which Sallust imputes to him, with regard to the troops in Numidia, he was, on the contrary (by the report of Plutarch), "severe in command, and exact even to rigour. Nevertheless, his impetuous spirit, stern look, and thundering voice, were considered by the soldiers, when grown familiar with them, not as terrible to themselves, but only to their enemies."

dition, he had risen to be in some consideration with his fellow-citizens, his ambition carried him to such a degree of ostentation, that he caused a seal to be made, whereon was represented Bocchus delivering up, and Sylla receiving Jugurtha; which seal he made use of ever after. This touched Marius to the quick; nevertheless, in his second consulship, thinking Sylla too far beneath him to be feared as a rival, he appointed him to be his lieutenant: and in his third consulship employed him as a legionary tribune."

In this account (though it be adopted by M. Vertot, the Jesuits, M. Rollin, and others), it seems difficult to discern the least air of truth. Is it, in any degree, probable, that Sylla, who (as Plutarch observes) had but just started out of obscurity, and was very ambitious of rising to the highest honours, would be so impolitic, as immediately to provide himself with such a seal as is described, and from this time constantly wear it; that is, coolly and deliberately contrive to make Marius, who was then the people's chief favourite, his enemy, and set him at defiance, by appropriating wholly to himself a glory, which naturally belonged to the commander in chief.

Or, is it probable, that, if Sylla had such folly and arrogance, and if Marius was thereby touched to the quick, and so highly provoked, as the historian reports him to have been, he would have chosen this enemy and rival for glory to be his lieutenant in his second consulship?

Marius was jealous of Sylla as of a rival for glory: nevertheless, Marius appointed Sylla to be his lieutenant, looking upon him as a man of too little consequence to be his rival for glory. This is Plutarch's account.

The truth seems to be, that the seal in question was never thought of till many years after the end of the Numidian war, when king Bocchus, to whom an alliance with Rome had been granted, made a glittering golden present to the Roman people. And this might be gathered from another passage in Plutarch's Life of Marius, where, speaking of him after his return from Asia, he says, that he was neglected like a weapon of war in time of peace; and adds, "that among all those, whose lustre eclipsed the glory of Marius, he was the most exasperated against Sylla, who owed his rise to the hatred which the nobles bore to himself." And then he proceeds in the following manner: "When Bocchus, king of Numidia, dedicated in the capitol some golden victories bearing trophies, and, with them, a sculpture in gold, representing himself, delivering up Jugurtha to Sylla, Marius was thereupon almost distracted with rage; not able to endure that Sylla should arrogate that honour to himself.

"Marius attempted by violence to pull down those figures; and Sylla strenuously opposed his attempt: but the war of the confederates, then, on a sudden, threatening the city, put a stop to the sedition, that, on this occasion, was just ready to break out." [The war of the confederates was kindled in 662.]

By this date we see, that the dispute between Marius and Sylla for the glory of putting a fortunate end to the Jugurthine war (which ended in 647), was not till fifteen years after its conclusion, when Marius's interest was on the decline, and Sylla had made great progress in the road to the highest honours: for he had been already prætor: and two years after this time (viz. in 664), was chosen to the consulship. And it would seem that the seal was a copy of king Bocchus's present, and not the original; though it is very possible that Sylla, to pique Marius (whom he then did not fear), and to raise his own credit with the people, might, when Bocchus (with whom he had formed a sort of friendship) determined to make a present to the Romans, of a sculpture in gold, suggest to him the device.

A notable act of impartial justice helped much to conciliate to him the affections of the army. His nephew, who served in the post of a legionary tribune, having several times solicited a young soldier, under his command, to unworthy compliances, and finding him always inflexible, had, at length, recourse to violence. The soldier, being determined to expose himself to any danger rather than yield, drew his sword, and ran the tribune through the body. Being cited before Marius to receive sentence for having killed his commander; the general, when he had informed himself fully of the facts, not only acquitted the accused, but, with his own hands, crowned him as a conqueror.

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Plut. in
Mar.
Cic. pro
Mil. c. 4.
Vid. supr.
p. 59.

When Marius arrived in Gaul, he learnt that the Cimbri, after ravaging all the country, from the Rhone to the Pyrenees, had, by those mountains, entered Spain.^r This gave the consul leisure to perfect his troops in military discipline; and (according to Plutarch) the Romans, notwithstanding the departure of the Cimbri, found enemies in Gaul: for, he tells us, that Sylla, this year, took prisoner Copillus, the general of the Tectosages.^s

Liv. Epit.
67.
Plut. in
Mar.
Jul. Obseq.
c. 41.

Plut. in
Sylla.

^r Florus places this irruption of the Cimbri into Spain before the consulship of Silanus, lib. 3. c. 3.

^s About this time, M. Scaurus, president of the senate, and who had been consul and censor, was accused by Cn. Domitius Ahenobarbus, tribune of the people, of having profaned several sacred rites of the Romans, and particularly those of the Dii Penates celebrated at Lavinium. The crime seems to have been a heavy one, but it is described in too vague a manner to be accurately understood at this time. The real source of the prosecutor's enmity to Scaurus was, that another person, assisted by Scaurus's interest, had succeeded Domitius's father in an augur's place, to the exclusion of Domitius himself. But, though animated by personal hatred, Domitius had the generosity to reject the information that was secretly offered him by one of Scaurus's slaves, and to deliver up the traitor to his master. For want, perhaps, of this intelligence, Scaurus was acquitted, though with some difficulty; but Domitius grew such a favourite with the people, that he was afterward chosen consul, censor, and pontifex maximus.

Val. Max.
6. 5.

His generosity in the affair of Scaurus undoubtedly contributed something to his popularity; but his chief merit was a law which he made, to substitute a popular election of priests, of every denomination, to the old method of co-optation by their colleagues; or, rather, to unite both these methods, as had always been practised in the election of a pontifex maximus. Seventeen tribes, taken by lot, were to be assembled, and the person who had the suffrages of the majority was to be co-opted, without a power of refusal, by the college in which the vacancy happened.

Cic. de
Leg. Agrar.
2. 7.

Domitius, in his tribuneship, accused also Junius Silanus, for misconduct in the war against the Cimbri, by whom he had been defeated, when consul, five years before. He was acquitted by the people: two tribes only condemned him. Cic. pro Corn. 2. in Fragm. and Ascon. in loc.

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sulship.

When the time came for electing the chief magistrates at Rome, the *comitia* chose Marius (in his ab-

C. Servilius Glaucia, another of the tribunes, got a law passed, the import of which seems to have been a repeal of that which Cæpio enacted in the year 647, and a restoring to the Roman knights all the privileges they had formerly enjoyed. Cic. in Brut. c. 62.

It is not certain what was the import of Cæpio's law, or of Glaucia's: the first, according to Jul. Obsequens, (c. 39.) divided the right of judicature between the senators and the knights; and Cicero (in de Invent. l. 1. c. 49.) speaks of it as favourable to the senate; whereas he tells us, that Glaucia, by his law, gained over the knights to his interest. (in Brut. c. 62.) Cicero (in Divinat. in Cæcil. c. 3.) speaks favourably of the judgments passed by the Roman knights; and Asconius (in loc.) says, that the Roman knights continued to be judges for forty years after the time of C. Gracchus, and that they judged uprightly: that Sylla then transferred the right of judging to the senators, and these judged iniquitously. And Cicero (Act. 1. in Verr. c. 13.) says, that for near fifty years together, during which time the right of judging was in the equestrian order, there was not the least suspicion of any judge's taking money, though the senators, when they were judges, became infamous for that crime.

Yet this account cannot be strictly true; for, according to the same Asconius, (in Orat. pro Corn. 1.) Plotius, in the year 664, got a law enacted, that fifteen men out of each of the thirty-five tribes should be appointed judges, by which means some senators came to be nominated. And Cicero (pro Corn.) tells us, that by the Plotian law, the senators were first admitted to judge among the knights. Livius Drusus, in the year 662, obtained a law, that the judges should be one-half senators and the other knights; but this law being abrogated the same year in which it was enacted, Cicero, in the passage above cited, takes no notice of it.

It would seem, upon the whole, that C. Gracchus's law continued in force till the year 664, when the Plotian law took place; and that this latter was superseded by Sylla's law, which, in 672, gave the right of judicature entirely to the senators.

Glaucia obtained likewise a law, which granted the freedom of the city to whoever of the Latin allies should bring an accusation against a Roman senator, and prove his charge. Cic. pro Balb. c. 24.

It was about this time, that the scandalous debaucheries of two of the Fabii gave great offence at Rome, and were punished in the most exemplary manner.

One of them, who was the son of Fabius Servilianus, felt the indignation of his own father, who first banished him into the country, and, upon his continuing unreclaimed, ordered two slaves to put him to death. To screen the slaves from being examined by torture, old Fabius immediately manumised them; and he himself, upon an accusation being lodged against him for this stretch of the paternal authority, chose to decline a trial, and went into exile to Nuceria in Campania. Val. Max. 6. 1. 5. Oros. 5. 16.

Allobrogicus, the father of the other Fabius, was dead; but Q. Pompeius, the prætor, supplied his place, decreed young Fabius unfit to manage his own fortune, and appointed him a guardian. Val. Max. 3. 5. 2.

The famous Scævola, the augur, upon his return from the government of Asia, in the year 649, was tried for male-administration and extortion in his province. His accuser was T. Albucius, a man of a singular character, who was possessed with such a fondness for every thing that was Greek, that he resided generally at Athens, and seemed willing to forget both his native country and his mother-tongue. Scævola, in his way to his government, passed through Athens, where Albucius, coming to pay him a visit, the governor, by way of ridicule on his silly affectation, addressed him after the Grecian manner, with the word χαῖρε [hail], and his whole train of attendants, officers of the army, domestics, and even lictors, did the same. Albucius was so nettled at this affront, that, upon Scævola's return to Rome he brought against him the accusation above mentioned; but the conduct of the accused was found to be irreproachable, and the trial served only to make Albucius still more ridiculous.

Not long after, he was accused of the same crime with which he had charged Scævola, and was not equally fortunate in clearing his character: Albucius had been prætor in the year 647 or 648, and, at the expiration of his office, was appointed governor of Sardinia, where having extirpated a few gangs of robbers, he sent to Rome to demand a solemn thanksgiving for this important exploit; and in the meantime

Lucil. ap.
Cic. de
Fin. l. 1.
c. 3. et Cic.
de Orat. l.
2. 70.
Cic. de
Provinc.
Cons. c. 7.

sence) a third time to the consulship, and continued him in his command. It was expected that the barbarians would return from Spain the next spring; and the Roman soldiers declared they would not march against so dreadful an enemy, under any other general. The other consul was L. Aurelius Orestes.

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sulship.

The Cimbri remained this year also in Spain, nor do we hear of any thing considerable performed, during the course of it, by the Romans in Gaul; excepting, that a numerous and warlike people, called the Marsi, are said to have been brought, by Sylla's means, into an alliance with Rome.

Plut. in
Sylla.

Towards the end of the year,^t Aurelius dying, Marius left the command of the army with his lieutenant Aquilius, and returned to Rome, to preside at the election of new consuls. On his arrival, he gained over to his interests L. Apuleius Saturninus, one of the tribunes who was in greatest favour with the people.

Plut. in
Mar.

To Saturninus, when quæstor, had been committed the care of supplying the city with corn; and because he did not discharge the office well, the senate appointed Scaurus to execute it in his stead. Provoked at this affront, he became a violent enemy to the nobles, and was, therefore, easily engaged to employ his influence on the people to choose Marius a fourth time to the consulship. Marius himself affected to decline the office: whereupon Saturninus called him traitor to his country, as refusing to assist her in so dangerous a war. The stratagem was too gross not to be discerned, yet the people, sensible of the need they still had of so able and

Cic. de
Harusp.
Resp. c.
20. et pro
Sext. c. 17.
Diod. Sic.
ap. Vales.
p. 390.
Plut. in
Mar.

paraded about the island with all the triumphal pomp. The senate, to mortify his vanity, refused his request, though it was known to be a thing of course, and had never before been denied to any governor. To complete his disgrace, the people of the island accused him of extortion, and he was found guilty. Stung with these repeated insults from his ungrateful country, Albucius retired to his favourite Athens, where he is said to have died more like a philosopher than he had lived.

Cic. Tusc.
5. 37.

^t This year, M. Fulvius Nobilior is said to have gained some advantage against the Cimbri in Spain. (Front. Strat. lib. 11. c. 5. §. 8.) Calpurnius Piso defeated the Thracians, and penetrated as far as Rhodope and Caucasus (Jul. Obseq. c. 41. Flor. lib. 36. 4.) and M. Antonius, the orator, now proconsul in Asia, with the assistance of the Byzantines, destroyed the Cilician pirates, for which he had a triumph. Cic. de Orat. l. 1. c. 18. Liv. Epit. l. 68. Tacit. Annal. l. 12. c. 62.

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sulship.

fortunate a general as Marius, continued him in the consulship; appointing for his colleague, Q. Lutatius Catulus, a man honoured by the nobles, and esteemed by the multitude.

Marius, soon after, set out for Transalpine Gaul; and Catulus, accompanied by Sylla, as his lieutenant, led an army to the foot of the Alps.

The barbarians, being defeated by the Celtiberians in Spain, had left that country, and returned into Gaul. And they now resolved to divide their forces, and to enter Italy on different sides; the Cimbri were to march through Noricum; the Teutoni and Ambrones through Gallia Narbonensis. Marius posted his army between two branches of the Rhone. In order to have provisions the more easily conveyed from the sea to his camp, by means of the river, the mouths of which were choaked up with mud and sand, he caused his soldiers to dig a canal from the river to the sea; a work which still subsisted in Plutarch's time, and had the name of Fossa Mariana.

Plut. in
Mar.
Strab. l. 4.
p. 183.

Plut. in
Mar.

At length the enormous multitude of the Teutoni and Ambrones approached the Roman army, and, with terrible cries, defied them to battle. Marius declined the challenge. To accustom his troops to the fierce countenances and hideous noises of the barbarians, he posted his men successively, in different corps, upon the ramparts of the camp, from whence they might have a full view of the enemy; who not only ravaged the country round about, but frequently insulted the Romans in their intrenchments. Provoked at this insolence, the soldiers murmured in private, and complained that their general had no confidence in them, since he would not lead them against the barbarians. Marius, being informed of their complaints, was pleased with the ardour of his troops, and signified to them, that he had no distrust of their courage, but only waited, by the admonition of oracles, for a favourable time and place in

which to give battle. These oracles were two vultures and a Syrian woman named Martha. The vultures he had tamed, and he used to let them loose about the camp, at proper times, their appearance being deemed a good omen. Martha, whom his wife had sent to him from Rome, was esteemed a prophetess; because, at a combat of gladiators, she had luckily guessed which of them would have the victory. She wore a large purple mantle fastened with clasps, and bore in her hand a spear wrapped round with bunches of flowers, and was carried about the camp in a litter. Great honours and respect were paid her, and Marius never sacrificed but by her orders.

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sulship.

It is reported, that an officer of the Teutoni, remarkable for the greatness of his stature, challenged the Roman general to single combat. Marius answered, "If the fellow is in such haste to die, let him go hang himself." Then pointing to an old gladiator of a very low stature, he added, "Let him first vanquish this little man, and then I will fight the conqueror."

Frontin.
Stratag. l. 4.
c. 7. §. 5.

The barbarians, having in vain attempted to force Marius's camp, at the expense of a great number of their men, resolved, without regarding any more the consul, to march directly forward to Italy. They passed^u very near the Roman intrenchments, and, with insolent raillery, asked the soldiers, whether they had any messages to send to their wives? Marius followed the enemy, kept always near them, and at night intrenched himself on the most advantageous spot he could find. When they were got to Aquæ * Sextiæ, they encamped in a vast extent of ground along the banks of a small river (probably the Arc), and the consul on an eminence; an advantageous post, only it wanted water. This (says Plutarch) he did on purpose, and when his soldiers complained of his having encamped them in a

Plut. in
Mar.

* Aix in
Provence

^u Plutarch says, it is reported, that the barbarians were six days in passing by the Roman intrenchments in a continued march.

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sulship.

place where they must die with thirst, he shewed them the river; saying, "Yonder is water; but you must purchase it at the price of your blood:" they answered, "Why do not you lead us thither, while we have any blood in our veins?" Marius replied, "You must first fortify your camp." The soldiers obeyed, though with reluctance: but the sutlers and servants, impatient to have drink for themselves and their beasts, snatching up what weapons they could find, went in a body to fetch water from the river. It would seem that the Teutoni were a good way up the river, on the same side with the Roman camp; the Ambrones, on the other side, lower down, and over-against the enemy. When the Roman sutlers had reached the river, they were at first attacked by only a small number of the barbarians, the rest being at dinner, or bathing; but, on hearing the noise made in the skirmish, the whole body of the Ambrones, amounting to above 30,000 men, issued out, most of them flushed with wine; yet they did not approach in disorder, or with confused cries, but regulated their march by a kind of music, which they made by beating upon their armour; and they frequently repeated their own name, Ambrones! Ambrones! It happened, that the Ligurians marched at the head of the Roman army: and the same name, having been that of their nation, they too immediately began to cry out, Ambrones! so that the field resounded with this word from every quarter. The Ambrones had the river to pass; and in passing it broke their order; and, before they could form again, the Ligurians charged them, and the Romans advancing at the same time to sustain their allies, the enemy quickly turned their backs. Many of them perished in the river, which the Romans crossing, pursued the runaways even to their camp. Here a new kind of enemies presented themselves against both the pursued and the pursuers. The wives of the Ambrones, armed with swords and hatchets, and gnashing their

teeth with rage, discharged their fury equally upon their husbands (whom they called traitors), and upon the enemy. The night coming on, the Romans retired, but spent that night in great anxiety and terror; for their camp was not yet fortified, and, though the greater part of the Ambrones had been cut to pieces, an immense multitude remained of the barbarians, by whom they expected every moment to be attacked. That night, however, and all the following day, passed without any action; early the next morning the consul drew up his foot, in order of battle, upon an eminence before his camp, making his cavalry descend into the plain. He had before detached 3,000 of his infantry, under the conduct of Claudius Marcellus, to lie in ambush, and, at a proper time, to fall upon the enemy in the rear. The Teutoni, seeing the Romans drawn up for battle, had not patience to wait till they should come down into the plain, but advanced furiously up the hill to attack them. Marius ordered his men not to stir, till the barbarians were near; then having first thrown their darts, to fall upon them sword in hand, and push them down the hill with their bucklers. The Teutoni were soon driven into the plain; and the foremost had scarce begun to rally, when Marcellus, on a sudden, charged them behind. Being thus attacked, at once, both in front and rear, they made but a short resistance. More than 100,000 of them (according to Plutarch) were killed or taken prisoners.*

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sulship.

According to some authors, the Roman army unanimously made a present to their general of the whole spoil. Marius caused it to be sold at a very low price

Diod.
Eclog. l. 36.
Plut. in
Mar.

* In the epitome of Livy (l. 68.) it is said, that 200,000 of the barbarians perished in this and the former battle; and that 90,000 were taken prisoners.

The report of Velleius Paterculus (l. 2. c. 12.) is, that above 150,000 were killed in both actions, and that the whole nation of the Teutoni was extinguished.

Valerius Maximus (l. 6. c. 1. §. 3. extern.) tells us, that, after the battle, the young women of the Teutoni requested of Marius that they might be given to the vestal virgins, promising perpetual chastity: but this being denied them, they hanged themselves the night following. Florus (3. 3.) relates nearly the same story of the Cimbrian women.

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sulship.

to the soldiers, choosing rather to act in that manner, than to make a pure donation of it; and this, probably, to avoid the appearance of setting too small a value on their present. This proceeding acquired him universal esteem: the great united with the multitude in applauding him.

As to the arms taken from the barbarians, Marius set apart, for the ornaments of his triumph, all the richest and most glittering: the rest he ordered to be heaped together, that he might make a sacrifice of them to the gods. Crowned with laurel, and clothed in a robe of state, he was going with his own hands (according to the Roman custom), to set fire to the pile, when certain horsemen, riding full-speed, appeared on a sudden. Coming up to him, they dismounted, accosted him with the news of his being consul for the fifth time, and delivered him letters that notified his election; a new subject of joy to the whole army: Marius finished his sacrifice amidst their universal acclamations.

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The colleague appointed to Marius was Manius Aquillius, commissioned afterward to conduct a war against the revolted slaves in Sicily; of which more hereafter.

* The
Adige.

Catulus continued at the head of the army, which he had led to the foot of the Alps. That he might not be obliged to weaken his forces by such a division of them as would be necessary to defend the passes of the mountains, he had retired over the Athesis.* After he had pitched his camp, he caused forts to be raised on each bank of the river to defend the pass, and a wooden bridge to be built, by which he might have a communication with the guard on the farther side. In the meantime the Cimbri came down the Alps that were yet covered with snow,^y and, advancing to the Athesis, en-

^y Plutarch reports, that the barbarians, out of a sort of bravado, climbed up naked over heaps of ice and snow to the tops of the hills, and then, upon their large shields, let themselves slide down to the bottom.

camped within sight of the enemy. This done they threw into the channel earth, trees, and vast pieces of rocks, and when the stream, by being straitened, became rapid, they cast into it things of great weight, which, being carried down by the current with violence against the piles of the bridge, so shook it, that it seemed in danger of being carried away. The Roman soldiers did not wait for the event, but being seized with terror, abandoned their camp. Catulus, finding it impossible to stop his men, put himself at their head, that the army might seem to have only obeyed the command of their general, and not run away through fear of the enemy: an instance of the most noble and disinterested conduct, according to Plutarch; the general sacrificing his private glory to the good of his country: yet certainly this noble action, so highly praised by the historian,² is capable of a construction not much to the advantage of Catulus, [or of Sylla, whom the same historian represents as the chief counsellor of this general, and his right hand for execution].

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sulship.

The guard of the fort, on the other side of the river, defended themselves with resolution against the attacks of the Cimbri; who, admiring their bravery, granted them at length an honourable capitulation, and swore to it upon a brazen bull.

After taking the fort, the Cimbri spread themselves over the country, and pillaged it. In this situation of things, Marius was sent for to Rome: on his arrival, the senate offered him a triumph, but he deferred his acceptance of that honour, till the war should be terminated by another victory; which he spoke of as a thing certain: and presently setting out for the camp of his

² "I do not believe (says M. Crevier very judiciously) that Marius, on the like occasion, would have been willing to deserve the like praise; and, indeed, Plutarch (in Sylla) tells us, that Catulus was no great warrior." Hist. Rom. tom. 9. l. 30.

Scaurus (president of the senate) had a son, who served in the cavalry: he fled full speed to Rome. His father, on notice of his arrival, forbade him ever to appear before him: whereupon the young man killed himself. Front. Strat. l. 4. c. 1. §. 13. Aur. Vict. in Scaur.

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sulship.

late colleague, he at the same time ordered thither his own army from Gaul.

The two generals, having joined their forces, passed the Po. The Cimbri were at no great distance, but deferred offering battle, till their friends, the Teutoni, should come to their assistance, according to agreement.^a In the meantime they sent ambassadors to the consul, demanding that lands and towns might be assigned them, sufficient both for themselves and for their brethren. "What brethren do you speak of?" said Marius to the ambassadors: they answered, "The Teutoni." To which the consul replied, "Do not trouble yourselves about providing for your brethren; we have already given them land, and they will always keep possession of it." The ambassadors finding themselves insulted, broke out into passion, threatening to make him repent his behaviour so soon as the Teutoni should arrive. "They are here already (said Marius), and it would not be kind in you to go away without saluting your brethren." After these words, he caused the kings (or leaders) of the Teutoni, whom he had taken prisoners, to be brought forth in chains.

The Cimbri, on the return and report of their ambassadors, advanced without losing a moment; and, having encamped not far from the consul, their king Bojorix, at the head of a small body of cavalry, came forward, and defied Marius to battle, bidding him name the day and place, the consul answered, "That it was not the custom of the Romans to take counsel of their enemies about giving battle; nevertheless, he would have that complaisance for him, to do what he had desired." It was thereupon agreed, that the time should be the third day from thence, and that the field of battle should be the plain of Vercellæ; a plain commodious for the Roman cavalry, and large enough for the barbarians to draw up their

^a Florus tells us, that the Cimbri, after the action upon the Athesis, were enervated by living luxuriously.

numerous forces. Thither the Romans and Cimbri repaired punctually at the day appointed. Catulus's army consisted of 20,300 foot; Marius had 32,000. The number of the Roman cavalry is not mentioned. Plutarch is the only writer who gives us any particulars of this battle, and his account is very unsatisfactory; the memoirs of Sylla, who became Marius's greatest enemy, and was now lieutenant to Catulus, being his chief and almost only authority.^b (Once he quotes the memoirs of Catulus.) Plutarch relates, that the consul posted Catulus and his troops in the centre, and, having divided his own forces into two bodies, placed them on the wings, a little advanced towards the enemy, that he might have the glory of defeating them before the proconsul's troops could engage. The Romans had the advantages of the sun and wind.

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The Cimbri drew up their infantry in a square body, each side thirty furlongs in length. Their cavalry, amounting to 15,000, seem to have been at first posted on the right of their infantry, from whence they wheeled off by degrees, in order to come upon the rear of the enemy. This stratagem the Roman generals perceived: but their soldiers thought it a flight, and therefore, advanced as to the pursuit, without waiting for orders. The whole body of the Cimbrian infantry moved forward (says Plutarch), like the waters of a vast sea. Marius and Catulus, lifting up their hands towards heaven, vowed the one to sacrifice a hecatomb to the gods, the other to dedicate a temple to the fortune of this day. A mighty cloud of dust arose, and covered both armies. Marius, according to Sylla's memoirs, was so unfortunate as to lose himself in this cloud. Though the Cimbrian phalanx was three miles deep, he passed it by, and wandered up and down the plains a

^b The same memoirs relate, that Sylla, by his industry, in a time of scarcity, supplied the troops of Marius with provisions in abundance; a service which greatly displeased Marius, because of his extreme jealousy of Sylla, who regarding him as an enemy to his advancement, had left him, and attached himself to Catulus.

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sulship.

good while without being able to find the enemy. But Catulus and Sylla had the good fortune to find them; and with only about 20,000 men, stood the whole brunt of this battle. The excessive heat (for it was in the end of July) greatly incommoded the Cimbri, accustomed to a cold climate; and they had the farther disadvantage of the sun's shining full in their faces. It is said, that their foremost ranks had somehow linked themselves together, to hinder their order from being broken. These, therefore, were cut to pieces, the rest being put to flight, and driven to their camp. There the women, mounted upon the waggons, furiously assaulted those that fled, whether husbands, brothers, or fathers. They sent deputies to Marius, to demand of him, either liberty, or a slavery which suited their sex and virtue, offering to become slaves to the vestals, and to bind themselves to the observance of perpetual chastity like them. This grace being refused, they murdered their children and themselves. To this romantic account it is added, that the men, for want of trees, upon which to hang themselves, made running knots upon their necks with cords, the ends of which they fastened to the horns or feet of their cattle, and, driving the beasts forwards with goads, made a shift to get themselves strangled, or trodden to death. Nevertheless, 60,000 of them were taken prisoners.^c

Plut. in
Mar.
Eutrop.
l. 5. c. 1.
Plut. loc.
cit.

We are told (says Plutarch) that Marius's soldiers, though they carried off all the baggage, had taken only two standards, while Catulus's men brought thirty into

^c Thus Plutarch: but Vell. Pat. (l. 2. c. 2.) says, the number of the prisoners and the dead amounted to about 100,000; and he adds, that, by this victory, Marius, notwithstanding the mischiefs he afterward did, hindered his country from wishing that he had never been born. Eutropius (l. 5. c. 1.) tells us, that in this important action, the Romans lost no more than 300 men. According to him, and the epitome of Livy (l. 68.) 140,000 of the enemy were killed in this battle, and 60,000 taken prisoners.

It is reported, that Marius gave the freedom of Rome to 1,000 men of the Camertes, a people of Umbria, in reward of their bravery in this war; and when it was afterward remonstrated to him, that what he had done was illegal, he answered, that the din of arms had hindered him from hearing the voice of the laws. Plut. in Apophthegm. and in Mar.

their camp; and that as a farther proof that this part of the army had the greater share in the victory, upon almost all the darts, by which the Cimbri had fallen, was found inscribed the name of Catulus. Notwithstanding all this, the whole honour of the victory was, in after times, and is still, given to Marius. And, even when the event was recent, Catulus was thought sufficiently honoured, by being adorned (as Juvenal expresses it) with the second laurel-branch.^d

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R O M E
652.
B. C. 100.
351st con-
sulship.
Eutrop.
l. 5. c. 1.
Plut. loc.
cit.

At Rome, the people, on the night they received the news of the victory, began their suppers with libations to Marius as to a divinity. They styled him the third founder of Rome, and would have had him triumph, without the proconsul's sharing with him in that honour. This, however, he refused; and the two generals, after their return home, triumphed together.

Val. Max.
l. 8. c. 15.
§. 7.
Plut. in
Mar.

It is said, that, from this time, Marius never drank but out of a goblet, such as Bacchus was imagined to have used after his conquest of India. He likewise built a temple to Honour and Virtue; Catulus another, not to fortune in general, but (in discharge of his vow) to the fortune of this day (*fortunæ hujusce diei*), meaning the day on which the Cimbri were vanquished: but the inscription was applicable to every day in the year.^e

Plin. l. 33.
c. 2.
Val. Max.
l. 3. c. 6.
§. 6.
Plut. in
Mar.
Cic. de
Leg. l. 2.
c. 11.

^d Hic * tamen et Cimbros, et summa pericula rerum
Excipit, et solus trepidantem protegit urbem.
Atque ideo, postquam ad Cimbros, stragemque volabant,
Qui nunquam attigerant majora cadavera, corvi,
Nobilis ornatur lauro collega secunda.

* Marius.

Juven. Sat. 8. 249.

^e This year one Publicius Malleolus, for having murdered his mother, was sewed up in a sack with a dog, a cock, a viper, and an ape, and thrown into the river. Vid. Auct. ad Herenn. l. 1. c. 13. Cic. Orat. c. 30. Oros. l. 5. c. 16. This is the second instance, mentioned in history, of parricide among the Romans. Romulus (says Plutarch) decreed no punishment for this crime, as being a wickedness he had never heard of; nor was there any example of it, till after the second Punic war: and according to the epitome of Livy (l. 68.) if the reading be right, Malleolus was the first who was punished in the above manner. Hence some have thought, that the law against parricide was enacted upon this occasion. But Cicero (pro Rosc. Amer. c. 25.) commends the old Romans, as being wiser than Solon, who had provided no punishment for parricide. He calls those old Romans 'our ancestors' (*maiores nostri*), which he would hardly have done, had they lived in his own time; and he was five years old when Malleolus was condemned. Nor was that kind of punishment unknown to the Romans of the early times. Plautus mentions it in Aulular. and Val. Max. (l. 1. c. 1. §. 13.) tells us, that Tarquin ordered M. Tullius, one of the duumvirs, who had the care of the Sibylline books, to be sewed in a sack, and

CHAP. IV.

The second servile war in Sicily.

Year of
R O M E
652.
B. C. 100.

351st con-
sulship.

Diod. Sic.
l. 36. ap.
Phot.

DURING the war against the Cimbri and their allies, the republic had another war to maintain against the slaves in Sicily.^f In the year 649, Marius, having obtained leave of the senate to ask, from foreign states, assistance against the Cimbri, had sent to Nicomedes, king of Bithynia, for recruits. The king excused himself, alleging, that a great number of his subjects had been forcibly carried away into slavery, by those who farmed the revenues of the republic in the east. The complaint appearing to the senate to be well grounded, they passed a decree, that no freeman of the Roman allies should in any province be treated as slaves, and that the proconsuls and prætors should take care that all such as had been injuriously forced into slavery should be set free: in obedience to this decree, Licinius Nerva, prætor in Sicily, gave liberty, in a few days, to above 800 slaves. The chief men of the island, foreseeing how much they should be losers, by the execution of this decree, addressed themselves to the prætor, and begged of him to manumise no more of the slaves. Licinius, either prevailed upon by bribes, or desiring to ingratiate

thrown into the sea, for giving a copy of a book, containing the *secreta civilium sacrorum*, to one Petronius Sabinus.

^f Some commotions (soon suppressed) of the slaves in Italy, had been the prelude to this Sicilian war. The most considerable of them had a Roman knight, named Vettius, for its author. He had fallen desperately in love with a young slave, and bought her for seven talents, which he promised to pay at a certain time. The term elapsed, and he had not the money; for though his father had been extremely rich, he himself had squandered away the inheritance by his extravagance; yet the bad state of his affairs was not publicly known. He requested, and obtained, of his creditor farther time; but, at the expiration of it, being still insolvent, and his creditor urgent, he took a mad and desperate resolution. He bought, upon credit, a great many suits of armour, armed his own slaves to the number of 400, assumed the diadem, the purple robe, all the marks of sovereignty, and proclaimed himself king. His first exploit was to seize and murder his importunate creditor. His forces increasing to 700 men, he fortified a camp to serve as an asylum for all that would join him. His army amounted to 3,500 men, when L. Lucullus, then prætor, with 4,000 foot, and 300 horse, came to an engagement with him, in which Vettius gained some advantage. But the prætor having afterward found means to gain over Apollonius, whom Vettius had made his principal officer, the new king was betrayed, and reduced to kill himself. Diod. Eclog. b. 36.

himself with the rich, would no longer listen to the complaints of such of the slaves, as, having been forced into slavery, had recourse to him for redress. On the contrary, he gave them rough language, and sent them home to their masters. The slaves hereupon had recourse to arms. About 200 of them having posted themselves upon a rock, fortified it, and defended themselves for some time against all the efforts of Licinius. At length he sent for one C. Titinius, who had been, some years before, condemned to death; but, having escaped from punishment, now practised robbery. To this man Licinius promised pardon and protection, if, by his means, the slaves should be reduced. Titinius, with a body of his associates, went over to the rebels, as if to spirit them against their enemies. Being well received by them, and, for his bravery, declared their general, he, soon after, betrayed them into the hands of the Romans. This insurrection, thus suppressed, was immediately followed by another. In a few days, the rebels amounted to 2,000 men, and, after a victory, which they obtained over a Roman detachment, their number increased to above 6,000. They then chose themselves a king, one Salvius, a pretender to the art of divination by inspecting the entrails of animals. After some time spent in plundering the country, Salvius laid siege to Morgantia; and Licinius advanced with a view to relieve the place. But the rebels turned upon him, and, having the advantage of the ground, defeated him. Only 600 men of the Roman army fell in this action, but 4,000 were taken prisoners; for Salvius had prudently proclaimed quarter to all who should throw down their arms.

On the report of this victory, such multitudes flocked in to the rebels from all parts, that their army was doubled, and they renewed their attacks upon Morgantia, at the same time promising liberty to the slaves within the town. But, their masters making them the same promise, in case of victory, the slaves fought so

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B. C. 100.

351st con-
sulship.

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sulship.

bravely, that they forced the rebels to raise the siege. Nevertheless, Licinius annulled the promise made to those slaves, who thereupon went over to the enemy.

The contagion of rebellion spread itself to the territories of Ægesta and Lilybæum. Athenio, a Cilician, a pretender to divination by the stars, got together about 1,000 of his fellow-slaves; and he, too, assumed the title of king. His army increasing to 10,000 able-bodied men (for he would not, like king Salvius, receive promiscuously all that came to him), he laid siege to Lilybæum, a place that was deemed impregnable. Athenio, after some time, became sensible of his error, and then, that he might quit his enterprise without dishonour, pretended, that the gods had foretold him, by the stars, that if the army continued the siege, some sudden misfortune would certainly befall it. A fleet from Mauritania, with succours sent by king Bocchus to the Romans, happened to arrive at Lilybæum, just at the time when Athenio began to decamp; and those Africans landed soon enough to fall upon the rear of the rebel army, which suffered a considerable loss: but this loss was more than compensated to Athenio by the increase of credit which his astrological prediction gained him.

In the meantime, Salvius, who had assumed the name of Tryphon, a name formerly borne by one of the kings of Syria, chose Triocala^s for his place of residence. There he built a palace, fortified the castle (which was before very strong), and enlarged the town. From hence he sent, as king, a command to Athenio to come and join him with the forces he had collected. Contrary to all men's expectations, Athenio obeyed, and marched to Triocala with 3,000 men: the remainder of his army he had dispersed over the country to pillage it, and to engage as many of the slaves as they could to

^s Triocala (*quasi τρεῖς καλὰ*) was so called on account of three sorts of beauty which were there united: the strength of its situation (for it was built upon a high rock), springs of excellent water, and fruitful fields below.

take part with him. The two generals, for some time, lived amicably together; but, at length, Tryphon suspecting Athenio of a design to supplant him, caused him to be seized and put under confinement.

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652.
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351st con-
sulship.

The next year (650), Licinius Lucullus,^h who succeeded Licinius Nerva, in the prætorship of Sicily, landed in the island with 17,000 men. On the news of their arrival, Tryphon released Athenio, and marched with him, at the head of 40,000 men, to meet Lucullus. The battle was long doubtful. Athenio fought with great bravery, but, having received three wounds, by two of which his legs were lamed, he at length fell among the dead. Hereupon the slaves lost courage, and took to their heels: 20,000 of them were slain; the rest, by favour of the night, escaped, with their king, to Triocala. Athenio, though grievously wounded, was not killed; in the dark, he made a shift to creep away, and join his companions. The rebels, much disheartened by their loss, held a council to deliberate upon the state of their affairs. Some proposed submission to their masters at discretion; but the prevailing opinion was to fight it out to the last. Lucullus gave them time to recover themselves; for it was nine days after the battle, before he invested Triocala: and then the rebels made so resolute a defence, that they obliged him to quit the enterprise. Nor did the Roman general take any farther measures to crush the rebellion:ⁱ his only care was to enrich himself at the expense of his province. Of this, at his return to Rome, he was accused before the people, and found guilty.

The prætor Servilius, who (in 651) succeeded Lucullus,^k had no success against the rebels. Tryphon was now dead: his successor, Athenio, always brave and en-

Flor. l. 3.
c. 19.
Diod. Sic.
l. 36. ap.
Phot.

^h Father of him who afterward conducted the war against Mithridates.

ⁱ According to Florus (l. 3. c. 19), Athenio took Lucullus's camp; nor does the historian mention any victory obtained, this year, over the slaves.

^k It would seem from Florus, that Lucullus was successor of Servilius.

Year of
R O M E
652.
B. C. 100.

351st con-
sulship.

Flor. loc.
cit.
Liv. Epit.
l. 69.
Diod. Sic.
loc. cit.
Cic. 5. in
Verr. c. 1.
Diod. Sic.
loc. cit.

terprising, forced the Roman camp, took towns, and ravaged the country at pleasure.

In the present year (652), the fifth consulship of Marius, the senate thought proper to commission his colleague Aquilius to conduct that war, in which three prætors had been foiled. This new general applied himself chiefly to cut off the enemies' provisions; nor does he seem to have offered them battle till the next year, when their number was considerably diminished. He then entirely defeated them in a general engagement, wherein, it is said, he fought hand to hand with Athenio, and killed him, after being wounded by him in the head. About 10,000 of the rebels escaped to their strong holds, where Aquilius afterward destroyed them, chiefly by famine.¹ A thousand still remained under a leader named Satyrus, and these surrendered themselves. The proconsul promised them pardon; but when he had transported them to Rome, he condemned them to fight with wild beasts. This they refused to do, and chose rather to fall by the hands of one another: Satyrus alone remaining, he ran upon his own sword, and was the last that perished on account of this rebellion, which had lasted four years. We are told, that in this and the former servile war in Sicily, 1,000,000 of slaves were destroyed.

Athen. l. 6.
c. 12.

CHAP. V.

The sixth consulship of Marius, year of Rome 653. The violences of Saturninus, tribune of the commons. Metellus Numidicus banished. Saturninus, and his associates in sedition, are crushed. Metellus is recalled by a decree made in 654, and returns in 655. Marius makes a voyage into Asia, has a conference there with Mithridates, and returns to Rome in 656. The condemnation of Servilius Cæpio to banishment, in 658. The trial and acquittal of his prosecutor, Norbanus, in 659. Rutilius Rufus is maliciously prosecuted, and unjustly condemned to banishment, in 660.

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653.
B. C. 99.

352d con-
sulship.

AT Rome Marius had put up for a sixth consulship, with more eagerness than was common in suing for a

¹ Florus reports, that all those of the slaves who escaped from the battle killed one another: only Athenio was by the Romans torn to pieces, through their eagerness to seize him.

first. It is said, that on this occasion he bribed the people, and by the same means prevailed to have L. Valerius Flaccus chosen for his colleague, in opposition to Metellus Numidicus.

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R O M E
653.
B. C. 99.

Saturninus was now tribune of the commons a second time. A. Nonius had been his competitor for that office, and had carried the election: but, in returning home, was murdered by him. Early the next morning, one of the prætors, named Glaucia, whom Cicero calls the most wicked man that ever lived, assembled the tribes in a furtive manner, and Saturninus was there declared tribune. Supported by Marius and Glaucia, he proposed a law, enacting, that the lands in Gaul, which the Cimbri had seized, should belong to the jurisdiction of Rome, and be divided among the people: that the senate, within five days after the law's being past, should give it the sanction of their authority, and swear solemnly to the observance of it; and that whatever senator should refuse to take this oath, should be expelled the senate, and pay a fine of twenty talents. We are told that the view of Marius, Saturninus, and Glaucia, who all joined their interest to promote the passing of this law, was to ruin Metellus Numidicus, who, they knew, would not take the oath proposed.^m

352d consulship.
Plut. in Mar.
Rutil. ap. Plut.
Liv. Epit. l. 69.
App. de Bell. Civ. l. 1. p. 367.
In Brut. c. 62.
Plut. in Mar.
App. loc. cit.

Saturninus, to carry his point, sent into the country to solicit the votes of the rustic tribes, upon whom he chiefly depended; because many belonging to those tribes had served in the war under Marius. On the

App. p. 368.

^m The consul had long hated Metellus; and the prætor and tribune bore him no less enmity, because, in his censorship (year of Rome 650), he would have turned them both out of the senate, for irregularity of conduct, if his colleague and cousin-german Metellus Caprarius, son of Metellus Calvus, had not hindered it.

It was about the same time (according to Diod. Sic. apud Fulv. Ursin.), that Saturninus insulted certain ambassadors, whom Mithridates had sent to Rome, to engage to him the friendship of the principal senators, that he might meet with no opposition from the Romans in the ambitious designs which he had formed against his neighbours. The crime was heinous, and the criminal, being prosecuted, was in danger of being delivered up to the king of Pontus. Nevertheless, by his abject supplications to the populace, with tears and protestations, that what he had done was from zeal for the people's interest, which required that no attention should be given to the ambassadors, but rather a war declared against Mithridates, he procured such a numerous rabble to appear for him, that the judges durst not condemn him.

Year of
R O M E
653.
B. C. 99.

352d con-
sulship.

Auct. de
Vir. Illust.
in Saturn.
App. loc.
cit.

day when the *comitia* met to determine concerning the law, the nobles and the citizens opposed it with great vehemence, while the people from the country as zealously contended for it. The citizens, finding their party the weaker, cried out "It thunders" (an evil omen, which made it illegal to determine any thing in that assembly). Saturninus answered with anger, "It will hail by and by, if you are not quiet." A skirmish presently followed, in which the country people having the advantage, the law, of course, was carried.

Plut. in
Mar.

Then Marius, who had acted underhand in all this affair, assembled the senate, and declared to them that, for his part, he would never take so unjust an oath; and that he did not think any wise man would: that, even supposing the law to be a good law, it was yet an affront to the senate to compel them to give their approbation of it. This he said to entrap Metellus, who, he knew, would keep steady to whatever he should once deliver as his opinion. Metellus declared, he would never swear to observe the law in question, and the senators, in general, made the same declaration.

App. loc.
cit.

On the last day allowed for taking the oath, the consul in the morning, having hastily convened the senate, told them, that he was afraid of the people, who were zealous for the law; that, therefore, he had thought of an expedient; which was, to swear to maintain and observe the law, so far as it was a law; and that, afterward, it might easily be made appear, that a law which had been carried by force, and when it thundered, could be no law. This said, without waiting to hear the opinion of the fathers, he went to the temple of Saturn, and, together with his friends, took the oath.ⁿ All the rest of the senators, through fear, swore in their

App. p.
369.

ⁿ Plutarch says nothing of the consul's assembling the senate a second time. The historian tells us, that when Saturninus summoned the senators before the people to take the appointed oath, Marius said, that he had not the presumption to depend upon one deliberation in an affair of such consequence; that, therefore, he would swear, and would obey the law, if it was a law.

turns, except Metellus, who resolutely persisted in his opinion.

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R O M E
653.
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“To do ill (he said) in any circumstances, is the effect of a corrupt heart. To do well, when there is nothing to fear, is the merit of a common man: but to do well, when a man exposes himself thereby to the greatest dangers, is peculiar to the truly virtuous.”

352d con-
sulship.
Plut. in
Mar.

Next day, an officer having, by Saturninus's order, arrested Metellus, and brought him from the senate-house before the people; and the tribune having represented to the assembly, that they must never hope for the execution of the law in question,^o so long as that senator remained in the city, they, by a decree, condemned him to banishment.

App. loc.
cit.

By the same decree the consuls were ordered to make an edict, forbidding all the subjects of the republic to receive him; and one day's time only was allowed to the senate for coming to a determination. Many person's flocked to him, and offered to defend him by force; but he would not consent that his country should be involved in a civil war on his account. He chose to leave the city: “Affairs (said he) will change, and I shall be recalled: or, if they continue in their present state, it is more desirable to be absent.”

Plut. in
Mar.

^o Saturninus obtained likewise another law, for allotting 100 acres of land in Africa to each of Marius's veteran soldiers. Auct. de Vir. Illust. in Saturn. [This writer, however, seems to refer the law in question to the first tribuneship of Saturninus.] One of the tribunes named Bæbius, opposed the passing this law, but the people drove him with stones from the rostra. Another law of Saturninus enacted, that Roman colonies should be planted where the people pleased in Sicily, Achaia, and Macedon: that the gold which Cæpio had brought from Toulouse, should be laid out in the purchase of lands, and that Marius should have the privilege to make three Roman citizens in each colony; but these colonies were never planted. Cic. pro Balb. c. 21.

The tribune likewise proposed to make a distribution of corn amongst the people at a low price. Cæpio, who had been formerly consul, and condemned for his misconduct in the Cimbrian war, was now quæstor urbanus [he, probably, sued for public offices, that he might be raised again to his former rank and privileges]. Upon his representing to the senate, that the treasury could not bear the expense of purchasing the corn required, the conscript fathers decreed, that Saturninus would act contrary to the good of the state, if he brought the law in question before the people. The tribune, nevertheless, proposed the law, and though some of his colleagues interceded, he ordered the urns for balloting to be brought out. Hereupon Cæpio, with a crowd of people attending him, broke down the bridges, upset the urns, and, by force, hindered the law from passing. Auct. ad Heren. l. 1. c. 12.

Year of
R O M E
653.
B. C. 99.

352d con-
sulship.

Pro Balb.

c. 5.

Liv. Epit.

l. 69.

Plut. in
Mar.

“The safety of his country (says Cicero) was dearer to him than the sight of it; and he chose rather to depart from the city, than from his opinion.” Wherever he went he received great marks of respect and esteem, and, at length, fixed his residence at Rhodes, where he applied himself to the study of philosophy.

Saturninus now aimed at a third tribuneship, and Glaucia to be consul for the next year, though the laws required two years' interval between bearing the office of prætor and that of consul. Marius, to make his court to both parties, pretended to each to be in their interest, privately incensing one against the other that he might bring them both into a dependance upon himself. It is said, that the principal men of the senate having applied themselves to him to persuade him to defend the state against the enterprises of Saturninus, he, at the same time, received Saturninus into his house, by another door: and, pretending an indisposition that obliged him to go frequently out, he went to and fro from one apartment to the other.

Auct. de
Vir. Illust.
in Saturn.
App. P.
369.

Not content with pursuing his own ambition, Saturninus had the insolence to present, as a candidate for the tribuneship, Equitius,^p who called himself Gracchus, and pretended to be a son of the famous Tiberius Gracchus; but was indeed of the dregs of the people.

Val. Max.
l. 9. c. 7.
§. 1.

App. de
Bell. Civ.

1. p. 369.

On this occasion Marius thought proper to interpose his authority, and to send the candidate to prison; notwithstanding which, the faction of Saturninus prevailed: they broke open the prison doors, carried Equitius upon their shoulders to the voting place, and declared him tribune, together with Saturninus.

On the day of election of consuls for the new year,

^p He had before attempted to get this Equitius acknowledged for the son of Tiberius, and, as such, put upon the register of the Roman citizens. Metellus Numidicus, who was then one of the censors, refused to receive him, affirming, that all the sons of Tiberius Gracchus (who had but three) were dead. Sempronia, the sister of Tiberius, when brought into an assembly of the people, by one of the tribunes, that she might own the impostor for her nephew, had absolutely disowned all relation to him, and expressed a contempt of him. Val. Max. l. 9. c. 7. §. 2. Id. l. 3. c. 8. §. 6. Auct. de Vir. Illustr. in Saturn.

M. Antonius, the famous orator, was chosen without difficulty or opposition. Glaucia had for his competitor C. Memmius, a man of distinction, and probably the same who, in his tribuneship, had caused Jugurtha to be brought from Africa to Rome. The prætor and Saturninus, apprehending a defeat, employed their assassins to dispatch Memmius; and they knocked him on the head in the forum, in the presence of all the people. Upon this outrage, the assembly broke up tumultuously, and Saturninus went to his own house, attended by Glaucia, the quæstor Saufeius, the false Gracchus, and a multitude of the rabble. It is reported (by Florus), that these saluted him king. The senate met and passed a decree, that the consuls should take care that the republic received no detriment. This invested those magistrates with an absolute power; and Marius, who could now no longer protect his old friend, besieged him in the Capitol, whither he and his followers had retired in arms. The consuls were supported by all the prætors except Glaucia, all the tribunes except Saturninus, the whole senate, the whole order of knights, and the best men of the people. The more easily to quell the sedition, they cut the pipes which conveyed water into the Capitol. In this extremity, the quæstor Saufeius proposed setting fire to the place; but Saturninus and Glaucia, depending upon Marius's friendship, surrendered themselves on the public faith, which Marius pledged to them for their safety. This, according to Cicero, the consul had no right to do, without a decree of the senate. Be that as it will, all the leaders of the sedition were massacred^a by the enraged multitude that same

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R O M E
653.
B. C. 99.

352d con-
sulship.

Oros. l. 5.
c. 17.

App. de
Bell. Civ.
l. 1. p. 369.
Cic. pro C.
Rabir. c. 7.
Liv. Epit.
l. 69.

Cic. loc.
cit. et in
Cat. orat. 1.
c. 2.
Plut. in
Mar.
App. loc.
cit.
Cic. pro C.
Rabir. c.
10.

^a According to Vell. Pat. (l. 2. c. 12.) Marius shut up the chiefs of the party in the senate-house, and there had them put to death. Appian (l. 1. p. 370.) tells us, that the people, thinking that Marius intended to screen them from punishment, got upon the top of the building, pulled off the tiles, and with these knocked the prisoners on the head. Orosius (l. 5. c. 17.) says, the Roman knights broke open the senate-house and killed them. Others affirm, that Saturninus was killed by Rabirius, a Roman knight; but Cicero (pro Rabir. c. 2.) defending him when arraigned for this very crime, says, that Scæva, a slave of one Q. Croto, killed Saturninus. The same author tells us, that Marius put to death the prætor Glaucia, though he was not named in the decree of the senate. Cic. 3. in Cat. c. 6.

Year of
R O M E
653.
B. C. 99.

352d con-
sulship.

Oros. l. 5.
c. 17.

Dio. Cass.
ap. Val.

p. 638.

App. de

Bell. Civ.

l. 1. p. 370.

day, the 5th of December, which was the very day the tribunes entered upon their office.

It would seem that, immediately after suppressing this sedition, Cato and Pompeius, two of the tribunes, presented a petition to the people for the repeal of Metellus's banishment: one of their colleagues, P. Furius, the son of a freedman, and whom Metellus, in his censorship, had degraded from the rank of a Roman knight, opposed their request: nor would he be prevailed upon to desist from his opposition, though the son of Metellus, in presence of all the people, fell down upon his knees, and begged it of him with tears; a behaviour which occasioned his bearing afterward the surname of Pius.

Year of
R O M E
654.
B. C. 98.

353d con-
sulship.

Jul. Obseq.
l. 44.

In the magistracy^r of M. Antonius and A. Posthumius Albinus, consuls for the year 654, Sex. Titius, one of the tribunes, proposed a law for dividing some lands amongst the people, and, on this occasion, had no regard to the intercession of his colleagues: nevertheless, he was obliged to desist from his enterprise, because two crows, flying over the *comitia*, had fought with their beaks and claws; and the augurs had thereupon declared that the law must be dropt, and sacrifices be offered to Apollo.

This Titius, when out of his office, was prosecuted before the Roman knights, and condemned to banishment, for having in his house a picture of Saturninus; an act of rigour justified by Cicero.

Cic. pro
Rabir. c. 9.

App. loc.
cit.

Dio. Cass.
ap. Val.

p. 637.

Cic. pro

Rabir. c. 9.

Furius, likewise, who had opposed Metellus's return, was, after the expiration of his office, accused of treason by Canuleius and Decianus, two of the tribunes. The enraged people, without so much as hearing his defence, tore him in pieces. And because Decianus, in a speech on that occasion, lamented the death of Saturninus, he was, next year, brought to a trial and

^r In this consulship was born, at Rome, Julius Cæsar, on the fourth of the Ides, i. e. the twelfth of the month Quintilis, afterward, from him, called July.

banished, though a very worthy man, according to Valerius Maximus.

Year of
R O M E
654.
B. C. 98.

The times now favoured Metellus Numidicus. At the motion of the tribune Calidius, he was, with the universal consent of the people, recalled from banishment.^s At his return to Rome, the whole city went out to meet him, and the day was not sufficient for receiving the congratulations of the senate and the rest of the citizens.

353d con-
sulship.
Val. Max.
l. 8. c. 1.
Cic. pro
Planc. 28.

Plutarch reports, that Marius, to avoid seeing the return of Metellus, set out, before that time, on a voyage to Asia, under pretence of discharging a vow he had made to Cybele, the mother of the gods. If so, Metellus did not arrive in Italy till the year 655, for we find Marius at Rome in that year, being the consulship of Q. Cæcilius Metellus Nepos, and T. Didius. These consuls, in the beginning of their administration, obtained the enacting of two laws; the first, to revive an old custom now fallen into neglect, viz. that of notifying to the people three market-days (that is, twenty-seven days) beforehand, the purport of any law that was to be proposed to the *comitia*. The second, that if the law consisted of several articles, the people might be free to separate them, and reject those which they did not approve, while the sanction of their authority was given to the rest.

App. de
Bell. Civ.
l. 1. p. 370.
Plut. in
Mar.

Year of
R O M E
655.
B. C. 97.

354th con-
sulship.
Cic. pro
Dom. c. 16.
20.

Aquilius, who had been colleague to Marius in his fifth consulship, and had completed the reduction of the rebel slaves in Sicily, was now brought to trial, on the charge of grievous extortion in that province. Anto-

Cic. de
Orat. l. 2.
c. 45. 47. et
in Ver. 5.
c. 1. et pro
Flacc. c.
39.
Quintil.

^s Metellus, at this time, resided at Tralles in Lydia: letters to inform him of his recall were brought to him while present at the celebration of some games: he deferred reading them till the show was over. No emotions were discovered by his looks. "Banished, or recalled (says Val. Max.) he had the same serenity of countenance; the same firmness and steadiness of soul in both fortunes:—Eundem constat pari vultu et exsulem fuisse et restitutum: adeo moderationis beneficio, medius semper inter secundas et adversas res animi firmitate versatus est." Val. Max. l. 4. c. 1. §. 13.

Institut. l.
2. c. 16.

N. B. This does not very well accord with what Sallust reports of his temper and behaviour, on occasion of Marius's being appointed to succeed him in the conduct of the Numidian war. See above, p. 77.

Year of
R O M E
655.
B. C. 97.

354th con-
sulship.

Val. Max.
l. 2. c. 9.
§. 5.

App. in
Iber. p.
311.

Plut. in
Sertor.

nus, consul of the last year, undertook the defence of the accused, and, because the facts were too clear against him to be disputed, confined himself wholly to move compassion in the judges. That the orator was a perfect master of the pathetic may be thought sufficiently proved by this, that he drew tears even from Marius, who was one of the bench.

A certain tribune of the people, named Duronius, repealed, this year, one of the sumptuary laws; [*legem de coercendis conviviorum sumptibus latam.*] On this occasion, Duronius made a speech, of a very extraordinary tenor, to the people, from the rostra. "Restraints have been imposed upon us, Romans, which are not to be endured: we are fast bound in the galling chains of servitude: a law was enacted, nay, is still in force, to confine the expenses of our tables. What a twang of antique rusticity! We abrogate, we annul that law: for what is a man's liberty, who is not free to ruin his fortune by costly entertainments, if it be his pleasure so to do?"

During the wars with the Cimbri, and with the slaves of Sicily, the Romans sent no forces into Spain; they only sent ambassadors thither, from time to time, to prevent, if possible, all matter of quarrel. But now they ordered the consul Didius into that country with an army. Sertorius accompanied him thither, in quality of legionary tribune. The consul fought a battle, successfully, with the Vaccæi;^t and, afterward, forced the people of Termisum to abandon their town, which was strongly situated, and live in a plain, where they had neither walls nor fortifications. He then reduced Colenda, after a siege of nine months, and sold the inha-

^t Frontinus (Stratag. l. 2. c. 10. §. 1.) tells us, that Didius fought a great battle in Spain; that, night having put an end to it, the Roman general then caused the greatest part of his dead soldiers to be buried; and that the Spaniards, the next day, seeing more of their own people slain than of the enemy, they concluded themselves vanquished; and submitted to the conditions of peace imposed by Didius. According to the Epitome of Livy (l. 70.) Didius, when proconsul, fought successfully against the Celtiberians. Whether these battles are the same, or different from what are related in the text, on the authority of Appian, is uncertain.

bitants for slaves. Not far from this town, was a colony of Celtiberians, to whom for their services against the Lusitanians, Marius, by authority from the Roman senate, had granted some lands for a possession. It is pretended, that these Celtiberians, being poor, lived by robbery; and, for this, Didius, under pretence of dividing the territory of Colenda among them, decoyed them to his camp, and there caused them all to be massacred, men, women, and children. For these exploits he had a triumph.

Year of
R O M E
655.
B. C. 97.

354th consulship.

In the winter, Sertorius being quartered at Castulo, a city upon the Bætis, the debauchery and licentiousness of his soldiers provoked the inhabitants to conspire with their neighbours, the Gyriscœni, to surprise the Romans, and put them to the sword. The Gyriscœni were accordingly admitted in the night. Sertorius made his escape, and rallying those of his men, who had likewise escaped, fetched a compass, re-entered the city by the same gate whereat the Gyriscœni had been admitted, and where the inhabitants had neglected to post a guard. Townsmen and strangers he put all to the sword, and then, making his soldiers clothe themselves in the habits of the Castulonians, and Gyriscœni, led them straight to the city of the latter, where, being mistaken for Spaniards, and admitted as such, they slew a great number of the inhabitants, and sold the rest for slaves.

Plat. in
Sertor.

It appears by the capitoline tables, that the Roman arms prospered this year in Farther Spain, under the conduct of C. Cornelius Dolabella, and that he had a triumph for his exploits."

In the following consulship of C. Cornelius Lentulus and P. Licinius Crassus (father of the triumvir), the senate, by a decree, prohibited human sacrifices, which, according to Pliny, had till that time been openly prac-

Year of
R O M E
656.
B. C. 96.

355th consulship.

Plin. l. 30.

" All the barbarous nations bordering upon Macedon (except a people called the Denseleti) seem to have been up in arms, about this time, against Rome: but the particulars of this war are not transmitted to us. Cic. in Pis. c. 34.

c. 31.

Year of
R O M E
656.
B. C. 96.

355th con-
sulship.

Dio. Cass.
l. 4. p. 266.
Plut. in
Mar.

tised; nor was the practice yet totally abolished at Rome, if we may believe Dio. Cassius, who mentions two men being sacrificed in the Campus Martius, in the times of Julius Cæsar.

Marius was now returned from Asia. Though he had made the performance of a vow to Cybele the pretence for his voyage thither, his real design (according to Plutarch) had been to kindle a war in Asia, and particularly with Mithridates, king of Pontus, who, of all the potentates there, seemed the most disposed thereto.

As Marius had not the talents necessary to make a considerable figure in time of peace, his reputation among the people declined daily, and he, therefore, wanted to be again at the head of an army, that he might fill Rome with the fame of his achievements, and his house with the spoils of Pontus. He arrived at the court of Mithridates, and was treated by him with great civility and marks of esteem; yet was not thereby induced to soften, in any degree, the harshness of his wonted manner: bluntly and drily he said to the monarch—"There is no medium, you must either find a way to become more powerful than the Romans, or you must quietly obey their commands." This discourse astonished Mithridates, who, though he had often heard of the Roman haughtiness, had never made trial of it before.

Marius, on his return to Rome, finding himself neglected, like a weapon of war in time of peace, would not venture to stand for the censorship, though his ambition carried him to aspire to that office. He gave out that he did not choose to offend people, by a strict search into their lives and conduct. Rome bestowed that magistracy on L. Valerius Flaccus and M. Antonius the orator; and these censors struck Duronius's name out of the list of the senators, for having repealed the sumptuary law before mentioned.

Val. Max.
l. 2. c. 9.
§. 5.

Jul. Obseq.
c. 46.

We learned from Julius Obsequens, that the Romans

fought successfully this year against the Dardani and the Medi, a people inhabiting the countries now called Servia and Bosnia.

Ptolemy Apion, king of Cyrene,^x dying in the year of Rome 657, when Cn. Domitius Ænobarbus and C. Cassius Longinus were consuls, bequeathed his dominions, by will, to the Romans,^y which he had no right to do. Cyrene had formerly belonged to Egypt, but Ptolemy Physcon, successor to his brother Philometor, in the throne of that kingdom, had at his death left the province of Cyrene to Apion, his son by a concubine: but this partition of the kingdom was to cease upon the death of Apion.

Year of
R O M E
657.
B. C. 95.

356th con-
sulship.
Liv. Epit.
l. 70.

The consular fasces being transferred to L. Licinius Crassus the orator, and Q. Mucius Scaevola the most able lawyer of his time; these magistrates got a law enacted, which, Cicero says, was, in the opinion of all men, very prejudicial to the republic. Many of the Italians, though not really Roman citizens, acted as if they were entitled to the privileges of citizenship. The new law imported, that no man, who could not produce a just title to Roman citizenship, should be admitted to act as such; and that even those, who were born at Rome, if they had no other claim to citizenship, should be sent into the countries of their respective families. This law so much offended all the Italians, that it proved one of the chief causes of the Social War, which broke out about three years after.

Year of
R O M E
658.
B. C. 94.

357th con-
sulship.
Cic. pro
C. Corn.
Orat. 1.
Ascon.
in loc.
Cic. de
Offic. l. 3.
c. 11.

It is uncertain what province fell to Scaevola, but, it is probable, there was nothing to do in it, seeing he gave it up, that he might not put the public to expense.

His colleague Crassus, less frugal and more ambitious,

Ascon. in
Orat. in
Pis.

^x In this country grew the best laserpitium, or silphium, the juice of which, when brought to a consistence, was worth its weight in gold. Pliny (l. 19. c. 3.) tells us, that the publicans destroyed all the laserpitium in Cyrenaica, by feeding their cattle with it, having experienced that it not only fattened them exceedingly, but gave their flesh a fine taste: but Strabo says, that the Numidians, invading that country, pulled up all the laserpitium by the roots. Lib. 17. p. 837.

^y The Romans declared the cities of Cyrenaica free, and did not reduce this country to the form of a province, till the time of Sylla.

Year of
R O M E
658.
B. C. 94.

357th con-
sulship.

Cic. in Pis.
c. 26.

Id. de In-
vent. l. 2.

c. 37.

Ascon. loc.
cit.

searched the Alps (says Cicero), to find a triumph where no enemies were to be found. At length he met with a gang of robbers, who had no certain leader; and, who, neither by their reputation nor their numbers, were worthy to be called enemies of the Roman people. Those robbers he reduced, and for this exploit he demanded a triumph at his return to Rome. The senate, out of regard to his dignity and authority, were going to grant his request, when his colleague interposed, and forbade the decree to pass.

Year of
R O M E
659.
B. C. 93.

358th con-
sulship.

Cic. de
Orat. l. 2.
c. 47, 48.

Under the following administration of L. Domitius Ænobarbus and C. Cæcilius Caldus, P. Sulpicius, a young man, famous for his eloquence, accused Norbanus before the Roman knights, for a tumult he had raised the last year, when tribune, on occasion of the trial of Cæpio; the same Cæpio who, in 648, had been deposed from the proconsulship, for his misconduct in the Cimbrian war. One of the crimes, now laid to Cæpio's charge, was his riotous opposition to a law of Saturninus, for distributing corn to the people at a low price. The chief men of the senate interested themselves for the accused; the consul Crassus pleaded his cause, and two tribunes of the commons interposed their authority: but Norbanus having inflamed the multitude, they drove away his opponents with stones, wounded Æmilius Scaurus, president of the senate, and condemned Cæpio to banishment. Norbanus's crime was heinous, the proofs clear, the parties against him strong, but nothing could resist the eloquence of M. Antonius, who undertook his defence. He gave such colours to actions, truly unjustifiable, that the judges, men of great probity, according to Cicero absolved the criminal, without thinking they dishonoured themselves.

Year of
R O M E
660.
B. C. 92.

359th con-
sulship.

In the following consulship of C. Valerius Flaccus and M. Herennius, Sylla, who, the last year, had, without success, stood for the prætorship, now, partly by a popular behaviour, and partly by the help of money, got

himself chosen to that office, though he had not passed through the ædileship. We are told that Cæsar Strabo, a man of a facetious wit, to whom the new prætor, on occasion of some quarrel, had said in a threatening manner, "I shall use the power of my office;" answered him, laughing, "Right: it is your office indeed; for you bought it, and paid for it."

Year of
R O M E
660.
B. C. 92.

359th con-
sulship.
Plut. in
Sylla.

P. Rutilius Rufus,² who had assisted Scævola in correcting the abuses committed by the publicans in Asia, and whom the ancient historians represent as one of the best men in Rome, was accused before the Roman knights of extortion in that very province. Rutilius would neither supplicate his judges, nor change his habit, nor employ the eloquence of Antonius or Crassus to plead his cause; but spoke for himself, plainly and simply, without having recourse to any of the arts of oratory: yet he suffered his nephew Cotta, and Q. Scævola, to whom he had formerly been lieutenant, to say something in his favour. The judges, in revenge of his having abridged the profits of the publicans, who were generally Roman knights, condemned him to banishment, and confiscated his effects; which did not prove sufficient to pay the fine imposed upon him; a striking proof of his innocence. And Dio says, that his papers sufficiently attested his just title to all he possessed. In his exile, he lost nothing of his affection for his native country. When somebody, to comfort him, intimated to him, that a civil war was going to break out, and he would then be recalled, he answered, "What harm have I done you, that you should wish me to return to my country, with more sorrow than I left it?" He might have returned, after the victories of Sylla, who invited him home, but he chose rather to continue in exile:

Cic. de
Orat. l. 1.
Pro Planc.
c. 21.
In Brut.
c. 30.
Pro Font.
c. 13.
In Pis. c.
39.
Vell. Pat.
l. 2.
Liv. Epit.
l. 70.
Dio. Cass.
ap. Vales.
p. 637.
Val. Max.
l. 2. c. 10.
§. 5.

Senec. de
Benef. l. 6.
c. 13.

Val. Max.
l. 6. c. 4.
§. 4.

² Rutilius had formerly stood competitor for the consulship with M. Æmilius Scaurus, the president of the senate; and Scaurus having carried the election, Rutilius accused him of having bribed the voters: Scaurus, being acquitted, accused Rutilius of the same crime, with as little success. Cic. in Brut. c. 30. and de Orat. l. 2. c. 69.

Year of
R O M E
660.
B. C. 92.

359th con-
sulship.

perhaps, he was unwilling to be an eye-witness of Sylla's tyranny : for that he was a truly honest man, may be well presumed from another particular related of him. One of his friends having asked of him an unjust thing, and being so much offended at his refusal, as to say to him, with indignation, " Of what advantage is your friendship to me, if you will not do what I desire of you ?" Rutilius answered, " And of what value is yours to me, if I can preserve it only by base actions ?"^a

CHAP. VI.

Sylla, in 661, is sent into Asia, to check the ambition of Mithridates, king of Pontus.
The genealogy, early adventures, and enterprises of this monarch.

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661.
B. C. 91.

360th con-
sulship.

THE next year, when C. Claudius Pulcher and M. Perperna were consuls, Sylla had commission from the senate to go into Asia, and there replace, on the throne of Cappadocia, Ariobarzanes, who had been driven thence by Mithridates, surnamed Eupator, king of Pontus.^b

^a According to Eusebius, the poet Lucretius was born in the second year of the 171st Olympiad, which answers to this year of Rome 660. The same author writes, that Lucretius was mad ; a distemper brought upon him by a filtre : that he wrote some books of his poem in his lucid intervals (which books Cicero afterward corrected), and that he killed himself in the forty-fourth year of his age. Euseb. Chron. L. Poster. ap. Scaliger, p. 150.

^b He was descended from a long series of kings, who had reigned in Pontus before him. The first of them was one of those seven princes that slew the Magians, and settled the kingdom of Persia on Darius Hystaspes, and, having obtained the sovereignty of this country, transmitted it to his posterity, through sixteen generations ; Mithridates Eupator being reckoned the sixteenth from him. Polyb. l. 5. p. 388. Florus. Diod. Sic. Aurel. Vict. Appian.

1. The first of these, of whom we find a name in history, is that Mithridates, who, dying in the year before Christ 363, was succeeded by his son. Diod. Sic. l. 15.

2. Ariobarzanes (then governor of Phrygia for Artaxerxes Mnemon, king of Persia), who, having reigned twenty-six years, was succeeded by his son.

3. Mithridates, the second, in the year (before Christ) 337.—On his death he was succeeded by his son.

D. Sic. l. 20.
Strabo, l.
12. 562.
Appian.

D. Sic. l. 20.
Plut. in
Demetr.
Appian.
Vid. Pri-
deaux.

4. Mithridates, the third, who, having very much enlarged the kingdom of Pontus, by new acquisitions, was reckoned as the founder of it, and therefore is, by historians, called Ktistes (*i. e.* the founder). He reigned in Pontus thirty-six years, and, on his death, which happened in the year 266, left his kingdom to his son, Ariobarzanes.

From this Mithridates the founder, Mithridates Eupator, was the eighth : but of these history furnisheth us with the names only of six, and these are, 1. Mithridates Ktistes. 2. Ariobarzanes. 3. Mithridates. 4. Pharnaces. 5. Mithridates Evergetes. 6. Mithridates Eupator.

This Mithridates (who struggled long with the Romans for the empire of Asia) had ascended the throne at eleven or twelve years of age. It is said, that, during his minority, his tutors attempted to destroy him, by mounting him on a fiery horse unbroken—a danger he escaped by his address; that they afterward plotted to poison him; but that he, aware of their design, guarded himself against it by excellent antidotes: and, it is added, that the frequent use of these gave him a constitution proof against the most deadly poison. He applied himself to the study of physic, and grew fond of being thought skilful in that art; insomuch, that his courtiers, to humour his vanity by a servile complaisance, used to slash, or burn themselves, in some part of their bodies, on purpose to give him an opportunity of shewing his skill in the cure. To secure himself from assassination, he pretended to be extremely fond of hunting, and (if we may believe Justin) was seven years without sleeping a night in any house; he lay in the mountains, and seldom in the same place. This manner of life rendered him robust, hardened his body against the changes, and inclemency of the seasons, and prepared him to sustain all the fatigues of war. During his nonage, the Romans took from him the Greater Phrygia, which they had assigned to his father, as the reward of his services in the war with Aristonicus, and to which he had pretensions of an earlier date, it having been given to his great grandfather by Seleucus Callinicus.

Among the first acts of his reign, he put to death not only his guardians, but his mother and his brother. After this, he formed vast projects for enlarging his dominions.^c He subdued a great part of Scythia, all

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B. C. 91.

360th con-
sulship.

Strab. l. 10.

p. 478.

Just. l. 37.
c. 2.

Plut. de
Adulat. et
Amic.
discrim.

Justin.
l. 37. c. 3.

Vid. b. 6.
c. 8. Y. of
R. 622.

Just. l. 38.
cit.
App. in
Mithridat.
p. 180.

^c The state of Asia, at this time, is thus represented by M. Crevier:

The Romans possessed Asia, properly so called, that is, the kingdom of Pergamus, which had been left them by the will of Attalus Philometor, and conquered by them from Aristonicus.

Nicomedes Philopator, son of Prusias, reigned in Bithynia.

Paphlagonia had long had its kings, whose common name was Pylæmenes. As it was situated between the dominions of the kings of Pontus and Bithynia, it had suf-

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sulship.

Justin. l.
37. c. 3.

Colchis, and the adjoining countries, and obliged the Thracians, the Bastarnæ, the Sarmatæ, and all the nations of the Tanais, the Palus Mæotis, and at the mouth of the Danube, to enter into alliance with him, and assist him with their forces.

It is said, that, elated with his victories, he proposed to himself nothing less than the conquest of all Asia; and that, with this view, he privately left his court, and, attended by a few of his friends, went over all that continent, in order to know the strength of the towns and fortresses. But, perhaps, this story was invented to make the king appear, in some sort, the aggressor in the war which he afterward sustained against the Romans.

At his return home, his wife Laodice, who, in his absence, had been unfaithful to him, conspired with her lovers to take him off by poison: both crimes being discovered by a slave, the king put her and her accomplices to death.

c. 4. After this, he leagued himself with Nicomedes, king of Bithynia, and son of Prusias; in consequence of which they made themselves masters of Paphlagonia. Pylæmenes, king of that country, having complained at Rome, the senate, by their ambassador, ordered the two kings to restore what they had usurped. Mithridates (says Justin) thinking himself a match for the Romans, returned for answer, that Paphlagonia had fallen to his father by inheritance, who having never been blamed for claiming it, it was wonderful, that the same claim

ferred much from those two powerful neighbours; and its ancient kings seemed to have been reduced very low from the time of Mithridates Evergetes.

Next to Paphlagonia, along the coast of the Euxine sea, was the kingdom of Pontus.

Cappadocia was under Ariarathes, the son of another of that name, who died in the service of the Romans in the war with Aristonicus.

Galatia was divided between several tetrarchs.

But all these states, and the other parts of Asia Minor, without being immediately under the Roman sway, respected their greatness, and in a manner received the law from them. Especially when any troubles or quarrel arose between the princes or states of those countries, the Romans did not fail to make themselves the arbitrators of them, and their opinion amounted, in effect, to a command. Crev. vol. 10. b. 32.

should be considered as a crime in the son. But the historian afterward tells us, that the king obeyed the decree of the senate.

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661.
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The Bithynian promised to restore his share of Paphlagonia to Pylæmenes, the lawful king; and, by way of fulfilling his promise, proclaimed his own son king of that country, by the name of Pylæmenes.

360th con-
sulship.

This affair had no important consequences: but the enterprises of Mithridates upon Cappadocia produced an open rupture between him and the Romans.

Ariarathes, king of Cappadocia, had married Laodice, the sister of the king of Pontus, and by her had two sons. Mithridates, nevertheless, that he might possess himself of Cappadocia, not only contrived, by the means of one Gordius, to get Ariarathes assassinated, but formed the design of destroying those sons of his own sister. Before he could execute this project, Nicomedes, king of Bithynia, seized the vacant throne of Cappadocia. Hereupon Mithridates, pretending to espouse the interest of his nephews, sent succours to his sister Laodice, in order to expel the usurper: but the queen had already married him.

Justin. l.
38. c. 1.

The king of Pontus, much displeased with these tidings, marched an army into Cappadocia, drove out Nicomedes, and placed the elder of Laodice's sons upon the throne. Not many months after, he proposed to his nephew, that he should recall Gordius, the assassin, from banishment. In this proposal, his view was to have a pretence for war, in case his nephew denied his request, and, in case he granted it, to get rid of him by the same hand which had murdered his father. The young king refused, and both sides prepared for war. Mithridates brought into the field 80,000 foot, 10,000 horse, and 600 armed chariots; and the Cappadocian, assisted by the neighbouring kings, had an army no less numerous. The king of Pontus, doubtful concerning the event of the war, invited his nephew to an

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661.
B. C. 91.

360thth cou-
sulship.

Justin. l.
38. c. 2.

amicable conference, and there stabbed him with his own hand, in sight of both armies. He then placed his own son, a child of eight years old, upon the throne of Cappadocia, gave him the name of Ariarathes, and assigned him Gordius for his tutor.

The Cappadocians, oppressed by their governors, sent into Asia for the younger brother of their late king, and put him at their head. But this prince, being defeated in battle by Mithridates, fled out of the country, and soon after died.

Nicomedes, fearing lest the king of Pontus, now in possession of Cappadocia, should from thence invade Bithynia, which bordered upon it, suborned a young man, of great beauty, to call himself a son of the late Ariarathes, and petition the Roman senate for the crown of Cappadocia. Queen Laodice joined in the fraud, and went to Rome with the impostor, there to own him for her son by her former husband. Mithridates, with equal impudence, sent Gordius to the senate to assure them, that the boy, who actually reigned in Cappadocia, was son of the late king Ariarathes.^d The conscript fathers took Cappadocia from Mithridates, and Paphlagonia from Nicomedes, and declared both countries free.

Strab. l. 12.
p. 540.

But the Cappadocians, accustomed to monarchical government, desired they might have a king. Their request being granted, their choice fell upon Ariobarzanes, a Cappadocian noble. Mithridates did not openly oppose the execution of this decree, but, we are told, that he, underhand, stirred up the Armenians against the Cappadocians; and we find that Sylla had a commission

Liv. Epit.
l. 70.
Plut. in
Sylla.

^d Justin, from whom we have this story, says, that Mithridates pretended the boy was son of that Ariarathes, who lost his life in fighting for the Romans against Aristonicus. But this cannot be true, if what the historian had said before be true, that the boy was but eight years old: for the consul Perperna finished the war with Aristonicus in the year 623. Mithridates, therefore, it is probable, pretended, that the boy in question was the grandson of that Ariarathes, who had six sons by his wife Laodice, the five eldest of which the mother poisoned, that she might not be deprived of the administration of the kingdom. The sixth, who was preserved by his relations, afterward married Laodice, sister of Mithridates, and was assassinated by his order. Of the two sons of this marriage, Mithridates killed one with his own hand, and dethroned the other, who, soon afterward, died with grief.

to restore Ariobarzanes to his dominions, and that he effected it, after having driven from thence Gordius and the Armenians.

Year of
R O M E
661.
B. C. 91.

According to Plutarch, Sylla made a progress as far as to the Euphrates, and, while he was encamped on the banks of that river, Arsaces, king of the Parthians, sent ambassadors to him, desiring an alliance with the Roman republic: though the Parthians were a nation the greatest for extent of dominion, the most warlike, and the richest in Asia, they were little known at Rome. Sylla reckoned among the most fortunate of his adventures that of being the first Roman to whom the Parthians had sent a solemn embassy. At the audience which he gave to the ambassador, he placed himself in the middle, between him and the king of Cappadocia; and the Parthian minister, for having suffered this, paid afterward the forfeit of his head.

360th con-
sulship.

Sylla, at his return to Rome, was accused of having plundered the allies of the republic, during his administration in Asia: but his accuser dropped the prosecution.^e

CHAP. VII.

Livius Drusus, tribune of the people, undertakes, without success, to procure to the Italian allies the privileges of Roman citizenship.

IN the consulship of L. Marcius Philippus and Sex. Julius Cæsar, great commotions were raised at Rome, on account of some laws proposed by a tribune of the people, M. Livius Drusus,^f the son of that Drusus,

Year of
R O M E
662.
B. C. 90.

361st con-
sulship.

^e A sort of professors had been introduced into Rome, who called themselves Latin rhetoricians, and pretended, by certain rules and definitions, to teach the Roman youth the art of eloquence. Crassus, the orator, now in the censorship with Cn. Domitius Ænobarbus, thought there was nothing to be learned of these masters but impudence; in conjunction, therefore, with his colleague, he, by edict, obliged them to shut up their schools. Cic. de Orat. l. 3. c. 24.

The magistracy of these two censors passed almost entirely in disputes between themselves; the source of which was, perhaps, their difference of character: Domitius being frugal, Crassus given to expense. Their quarrels were too ridiculous to deserve a place in history.

^f This Drusus was uncle to the younger Cato, and great uncle to the famous M. Brutus. Cic. pro Mil. c. 7. and in Brut. c. 62.

Year of
R O M E
662.
B. C. 90.

361st con-
sulship.

whom the senate had spirited up to defeat the projects of Caius Gracchus.

The historians have left us a very unsatisfactory account of the tribuneship of this Drusus; they are not agreed among themselves in relation to his character, or to his views, or to the subject of his laws; nor are the facts they relate altogether consistent with what they say of him.

App. de
Bel. Civ.
l. 1. p. 371.
Cic. de
Orat. l. 1.
c. 7.
Vell. Pat.
l. 2. c. 13.
Liv. Epit.
l. 70, 71.
Ascon. in
Orat. pro
C. Corn.
Flor. l. 3.
c. 17.
Sallust.
Ep. 2. de
Rep. Or-
dinand.
Dio. Cass.
ap. Vales.
p. 638.
Strab. l. 11.
p. 515.
Plin. l. 33.
c. 1.
Liv. Epit.
l. 71.
App. loc.
cit.
Flor. l. 3.
c. 17.
Auc. de
Vir. Illust.

According to Appian, the tribune chiefly aimed at procuring the right of Roman citizens for the Italian allies: but most authors affirm, that his main design was to assert the authority of the senate. The men, who opposed him with the greatest vehemence, were the consul Marcius Philippus, and a senator named Q. Servilius Cæpio, who had formerly been in such intimate friendship with the tribune, that they had exchanged wives; which, Strabo says, was an ancient custom amongst the Romans: yet these friends quarrelled afterward about a ring that was sold at an auction, and were reconciled.

To bring the people to favour his projects, Drusus proposed several laws for giving lands and distributing corn to the poorer citizens; and these laws he is said to have carried by force,^g and, by the assistance of the allies, to whom he promised the freedom of Rome. He also planted in Italy and Sicily many colonies of Roman citizens, not indeed by virtue of new laws, but in consequence of such as had been already enacted. If we may believe some authors, he was so profuse in his grants, that he himself said, he had left nothing for any body to give away, unless it were dirt and air. It was, probably, at this time, and to the end that the public

^g In some contest upon occasion of these laws, Drusus ordered one of his clients to seize the consul Philippus. The man grasped him by the throat with such violence, that the blood started out at his nose: the tribune made a jest of this: "It is not blood (says he), it is the gravy of thrushes:" for it seems Philippus loved good eating. After this, the consul, by order of Drusus, was dragged to prison. Val. Max. l. 9. c. 5. §. 2. Auc. de Vir. Illust. The last-cited author also relates, that Drusus threatened to have Cæpio thrown from the Tarpeian rock.

might be the more able to bear the expense of his largesses, that he ordered one-eighth part of alloy to be mixed with the silver coin.^h

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The senate, and especially Æmilius Scaurus, pushed on Drusus to take away the right of judging from the knights. He either could not, or would not, execute this scheme. But he proposed a law,ⁱ ordaining, that the right of judging should be equally divided between the senators and the knights; and that all judges, who should be charged with taking money for giving judgment, should be brought to trial;^k for hitherto the knights were not liable to be called to account for any sentence they had passed, nor were they affected by several laws to which the senators were subject. The equestrian order strenuously opposed this last clause of the law, as well as the former part of it. “Not that they imagined (says Cicero), that it was no crime to take

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Plin. l. 33.

c. 3.

Liv. Epit.
l. 70.

Ascon. in
Orat. pro
Scaur.

Liv. Epit.
l. 71.

Cic. pro
Rab. Post

c. 7.

App. p.

372.

Cic. loc.
cit. et pro
Cluent.
c. 56.

^h According to the text of Pliny, (l. 33. c. 3.) as explained by Hardouin, there was at this time in the treasury of Rome 1,920,829 pounds of gold, which, by Arbuthnot's calculation, amounts to 52,102,486*l.* 12*s.* 6*d.* sterling, but he thinks the sum too extravagant, and that, perhaps, Pliny's numbers are not correct. Arbuthnot's Tables, p. 191.

ⁱ Vell. Paterculus says, this law transferred the right of judging to the senate. Florus seems to be of the same opinion. According to Appian, it ordained, that the number of senators, which did not then amount to quite 300, should be doubled, that the new members should be of the equestrian order, and that from the whole body of the senate, thus constituted, the judges should for the future be elected. The author of the Lives of Illustrious Men seems to agree with Appian. But the accounts given by these authors are not consistent with the arguments, which Cicero puts into the mouths of the Roman knights upon this occasion.

^k Appian reports (p. 372.) that the Roman knights conniving at one another, it was grown very common for the judges to take bribes. But Asconius says, the knights were judges for forty years, and judged without reproach. Then Sylla transferred the right of judicature to the senators, and they judged ignominiously for ten years. After this, Aurelius Cotta procured a law, that the judges should be chosen from among the senators, the knights, and the tribuni ærarii. And Cicero (1 Act. in Verr. c. 13.) tells us, that for near fifty years (he means from the time of C. Gracchus to Sylla), during which the Roman knights were the judges, there never was the least suspicion that any of them took money for giving judgment: whereas he brings many instances to prove, that the senators were notoriously guilty of that crime, when the right of judging came to be in them. Speaking of his own time, he says, “Foreign nations, I imagine, will send ambassadors to Rome, to request of the people to abrogate the law concerning extortion and embezzling the public money. For then the governors of provinces will only plunder them of so much money as they want for themselves and their children; whereas now they must have enough to purchase patrons and advocates, and to bribe the prætors and judges.” The famous Q. Catulus, in a speech made on occasion of Pompey's proposing a law for restoring to the tribunes some of their ancient privileges, says, that the corruption of the senatorial judges was the reason why the Roman people so earnestly desired the re-establishment of the tribunitian power. Pompey also complained of this iniquity of the senators, and promised, in his consulship, to find a remedy for it.

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money for giving judgment ; but they thought it unjust that their body should be subject to the same laws as the senate.' They said, the senators have no reason to complain : they have rank, authority, interest, magistracies, priesthoods, triumphs, the command of armies, and provinces ; and when they began their pursuits of these honours, they knew the conditions annexed to them. We, too, by the favour of the Roman people, had we coveted high offices, might have been raised to the dignity of senators : but, contented with our own order, and the rank of our forefathers, we preferred a quiet life without glory, to the storms of envy, and the perplexity of such trials, as this law would involve us in. If it be objected, that we are as much judges as they are senators, it is true : but they voluntarily sought that dignity : we, by being knights, are forced to become judges. Wherefore, either restore to us our youth, that we may sue for offices, or, since this cannot be, suffer us to continue in that condition of life, for the sake of which we have renounced all pretensions to offices and honours." This plea was urged without effect. Drusus got his law passed, in spite of all opposition.

Auct. de
Vir. Illust.

Cic. de
Orat. l. 3.
c. 1.

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But now the allies solicited the tribune to perform his promise, and procure them the freedom of Rome. As the senate and the people equally disliked this project, he found himself greatly at a loss how to put it in execution. It is said, that, in order thereto, the Italians laid a plot to murder the consul Philippus at the *Feriae Latinae*, but Drusus gave him notice of the danger. It seems Philippus opposed the senate with no less vehemence than he did the tribune. In a speech to the people, during the *Feriae*, he made a sharp invective against the conscript fathers, and said, he must find a way to have another council : for with the senate, such as it was, he could not carry on the public business. On the ides of September, Drusus convened the fathers ; and, after complaining heavily of Philippus, proposed to

them to deliberate on the offensive words uttered by him against the senate in the late assembly of the people. Crassus, the orator, warmly espoused the cause of the senate; and it was thought (says Cicero), that as, on former occasions, he had surpassed all other men in eloquence, so, on this, he surpassed himself. The consul, a man of great spirit and resolution, and the next in eloquence to Crassus and Antonius, though by far unequal to either, answered with much heat; and, by way of punishing the orator, for having failed in respect to him, imposed a fine upon him, and demanded sureties for the payment of the money. Crassus replied, that he would never acknowledge the authority of a consul, who would not respect him as a senator; that he was not to be terrified by a demand of sureties; that his tongue must be cut out before he would be silent, and that, even then, his breath should oppose the insolence of the consul. After haranguing long with great vehemence, acuteness, and strength, he gave his opinion, in words weighty and eloquent (says Cicero), that it should be made appear to the Roman people, that the senate had never been wanting to the republic, either in wisdom or in fidelity. This, adds the writer, was the last oration of this divine man, for, in the vehemence of his action and discourse, he was seized with a pain in his side, and then fell into a violent sweat, which was succeeded by a shivering fit: but, as the senate had with unanimity gone into his opinion, he would not leave the house, till he had seen the decree registered: after which he went home ill of a fever, and died in seven days.

The Italians, seeing no probability of their obtaining the freedom of Rome by a law, began to hold consultations¹ how to procure it by force of arms: and then Drusus, being looked upon as the author, or at least the

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Liv. Epit.
l. 71.
App. de
Bell. Civ.
l. 1. p. 372.
Auct. ad
Heren. l.
4. c. 22.
et alii.

¹ According to Plutarch, it was about this time, that king Bocchus dedicated to the gods, in the Capitol, a sculpture in gold, representing himself delivering up Jugurtha into the hands of Sylla: at which Marius was highly offended, &c. Vid. supra, p. 108, in the note.

Auct. de
Vir. Illust.

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Cic. de
Nat. Deor.
l. 3. c. 33.

Id. pro
Mil. c. 7.

Id. de Leg.
l. 2. c. 6.

Orat. 1.
pro C.

Corn. et
Ascon. in
loc.

Senec. de
Brev. Vit.
c. 6.

Val. Max.
l. 9. c. 5.

§. 2.

Dio. Cass.
ap. Vales.
p. 638.

Flor. l. 3.
c. 17.

Auct. de
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Cic. pro
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De Nat.
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c. 33.

In Vat. c. 9.

occasional cause, of these cabals, became odious to the senate. Shortly after, he was stabbed in a gallery of his own house: and though the house was, at that time, crowded with people, the assassin escaped unknown. The suspicion (according to some writers) fell upon Philippus and Cæpio; according to others, upon Q. Varius, tribune of the commons. No inquiry, however, was made concerning the murder.^m And the senate, at the motion of the consul Philippus, abrogated all the laws of Drusus by one decree, declaring, that they had been carried contrary to the auspices, and that the people were not bound by them: Cicero tells us, that the senate frequently assumed this power.

As to the character of Drusus, authors differ extremely. Vell. Paterculus commends him highly; perhaps, in flattery to the emperor Tiberius; for this prince (in whose time Paterculus wrote) was, by the mother's side, descended from the family of Drusus. The greater number of writers represent the tribune as ambitious, proud, and violent. Cicero is of both opinions: for sometimes he speaks honourably of him, and at other times, with contempt.

CHAP. VIII.

The war called the Marsic, the Social, the Italic war; being the war of Rome with her Italian allies.

It has been already observed, that the Italians had begun to concert measures for supporting, by arms, their claim of the freedom of Rome. The murder of Drusus confirmed them in this resolution: for now, they totally despaired of obtaining, by treaty, those privileges, to which they had so just a pretension:—The rights of a city, sustained chiefly by their arms, they having, in all its wars, furnished two-thirds of the troops.

^m Seneca (de Brevit. Vit. c. 6.) tells us, that some people thought Drusus killed himself; but that nobody thought he died too soon.

By the Italians were anciently meant all the nations within the Rubicon (which falls into the Adriatic, not far from Ariminum), and the Arnus, which discharges itself into the Tuscan (or Hetrurian) sea, near Pisa, the first town of Hetruria. The country between these rivers and the Alps, had the name of Cisalpine Gaul, and was reduced to the form of a province. The Italians were not called subjects, but allies; and, as they had been subdued (most of them after many defections) at different times, the conditions of their alliance were different. The Latins,ⁿ properly so called, enjoyed the greatest privileges: what these were is uncertain; but they were less^o than those of Roman citizens, and greater

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Sigon. de
Jure Ital.

Polyb. l. 2.
c. 16.

ⁿ The boundaries of Latium were anciently the Tiber to the west; the Anio and the Sabines to the north; the Volsci and the river Ufens to the east; and the Tyrrhenian, or Tuscan sea to the south. This country, in the time of the Social War, extended to the Liris on the east, and to the country of the Marsi on the north. The nations of Old Latium were the Albani, Rutuli, Volsci, and Æqui: of New Latium, the Oscii, Ausones, and Hernici. And all these, Sigonius thinks, had, in process of time, the full rights of Latium. Sigon. de Antiq. Jur. Ital. l. 1.

^o By the Roman law no one, who had the full rights of citizenship, could belong to another city. "Duarum civitatum civis esse nostro jure civili nemo potest: non esse hujus civitatis civis, qui se alii civitati dicarit, potest." Cic. pro Balb. c. 11. Nor was any man obliged against his will to change his city. "Itaque et ex Latio multi, et Tusculani et Lanuvini, et ex cæteris generibus gentes universæ in civitatem sunt receptæ; ut Sabinorum, Volscorum, Hernicorum: quibus ex civitatibus nec coacti essent civitatem mutare, si qui noluissent," &c. Cic. pro Balb. c. 13. None, therefore, could be Roman citizens, but such as lived in Rome, or in its proper territory; and, though many among the Latins, and even whole nations, as the Sabines, Volsci and Hernici, were made free of Rome; yet the full privilege of citizenship extended only to those of them, who, accepting it, removed from their own cities to Rome, which none of them were compelled to do. Sigonius (de Antiq. Jur. Ital. l. 1. c. 4.) thinks that all the Latins had the right of suffrage, but that the consuls had a power to order them to depart from Rome, at the time of holding the *comitia*. And this he endeavours to prove by several examples. Spurius Cassius, consul in the year of Rome 267, having called as many as he could of the Latins and Hernici to vote in an Agrarian law, his colleague, Virginus, by edict, commanded every one, who had not a habitation in Rome, to quit the city. And the consul, Fannius, in a like case, commanded the Latins to leave the city, though they had been invited thither by Caius Gracchus, to give their suffrages. And Cicero (pro Sext. 10.) tells us, that the Latins took nothing more heinously, than their being ordered by the consuls to leave Rome, which seldom happened. Sallust says, that when Mamilius, the tribune, proposed a law for prosecuting those, by whose fault Jugurtha had disobeyed the orders of the senate, the guilty prepared to defeat the law, chiefly by means of the Latins and the Italian allies. In the trial of Posthumius Pyrgensis, in the year of Rome 541, Livy mentions a tribune's calling for the urns to determine by lot where the Latins should vote. "Sitellaque allata est, ut sortirentur, ubi Latini suffragium ferrent." Liv. 25. 3. Gronovius is so much offended with the notion of the Latins having the right of suffrage, that he would have Livy's text altered in this place. Cujatius thinks, the historian does not speak of the Latins in general, but of those citizens of Latium who had the freedom of Rome; and many such there were.

Sigonius argues, that Cassius and Gracchus would not have called the Latins to vote, unless these had had a right of suffrage; nor unless their privilege of voting had

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Liv. l. 9.
et l. 27.
App. de
Bell. Civ.
l. 1.
Vell. Pat.
l. 2. c. 15.
Cic. 2. in
Verr. c. 2.
App. de
Bell. Civ.
l. 1. p. 373.

Vell. Pat.
l. 2. c. 15.
Diod. Sic.
ap. Vales.
App. p.
374.

than those of the other Italians. That these had not the right of suffrage, is manifest from their entering into the present war to obtain it. And it would seem likewise, from the Latins adhering firmly to Rome, in this quarrel, that they had much greater privileges than the other allies. The Sabines likewise steadily supported the cause of Rome; but these (according to Vell. Paterc.) had the right of suffrage.

The allies, in general, were subject to tribute, and obliged to furnish soldiers for the Roman armies, commonly in the proportion of two to one. Yet the auxiliaries were never admitted among the legions, but served in separate cohorts under prefects, who received their orders from the Roman generals.

The detail of the actions in this great and difficult war, and the order of time in which they happened, are indistinctly related by the historians. At first, the Italians concerted their scheme in secret, entered into a confederacy, and gave hostages to one another. The Romans, however, had notice, that a conspiracy was forming, and they sent spies up and down the country to procure farther intelligence. One of these happening to see a young man of Asculum (in Picenum) carried as a hostage to a neighbouring town, gave notice of it to Servilius, who, in quality of proconsul^p or prætor, watched that part of the country. Servilius hastened to Asculum, and reprimanded the inhabitants with great severity and many threatenings, which so exasperated them, that they fell upon him, and slew him, together with his lieutenant Fonteius; and massacred the Ro-

depended on the consuls, would these magistrates have forbid them to remain in the city.

But as it is hard to conceive, that all the Latins had a title to vote in the *comitia*; because in that case the electing of magistrates and the making of laws would have been chiefly in their hands (they being seldom ordered to depart the city), it is most probable, that the right of suffrage belonged only to some particular men, or cantons, among them.

^p Appian says, that from hence it appears, that in ancient times the several countries of Italy were subject to proconsuls: but Sigonius blames this conjecture, for there is no instance of a Roman proconsul or prætor presiding among the Italians, except on occasion of a war in Italy. Sigon. de Antiq. Jur. Ital. l. 1. c. 21.

mans they found in the place. Instantly, as if this had been the signal for a general revolt, the Marsi, Peligni, Vestini, and Marrucini, took arms; and their example was soon followed by the Picentes, Ferentani, Hirpini, Pompeiani, Venusini, Apuli, Lucani, and Samnites, and, in a word, by all the nations between the two seas, from the Liris eastward to the extremity of ancient Italy. The Marsi, a people renowned for bravery, and over whom, or without whom, it is said, the Romans never triumphed, gave their name to this war, because they were the first in the revolt: though it is called also the Social and the Italian war.

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App. p.
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Strab. l. 5.
p. 241.

Before the confederates proceeded to acts of hostility, they sent an embassy to Rome, to represent, that they had served the republic, in all her wars, and had every year furnished a double proportion of troops; and to demand that, since by their means the city had been raised to her present height of power, they might be acknowledged as citizens. The senate answered haughtily, that, if the Italians were sensible of their error, their ambassadors would be received, otherwise not. Upon the report of this answer, the allies chose Corfinium (the chief town of the Peligni), for their principal place of arms, and destined it to be the capital of Italy, instead of Rome; they then constituted a senate, composed of 500 members, and, out of these, elected two consuls, and twelve generals, or prætors. Their first consuls were Q. Pompedius Silo, the chief of the Marsi, and C. Aponius Mutilus (called by some historians C. Papias), a Samnite. To Pompedius, and six of the prætors, they allotted the north and west parts of the revolted country, and to Aponius, and the other six prætors, the south and east parts.

Vell. Pat.
l. 2. c. 16.

At Rome, the nobles became odious to the people, who looked upon them as the authors of the war, by their having rejected the request of the Italians. Q. Varius, the same who had been suspected of murder-

Ascon. in
Orat. pro
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Id. loc. cit.

Val. Max.

l. 8. c. 6.

§. 4.

App. p.

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Cic. Tusc.

Quæst. l. 2.

c. 24.

Id. pro

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Ascon. in

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Id. in Brut.

c. 89.

Id. de Nat.

Deor. l. 3.

c. 33.

Liv. Epit.

l. 72.

Plut. in

Sertor.

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ing Drusus, laid hold of this opportunity, and, notwithstanding the intercession of the tribunes, his colleagues, obtained a law for inquiring by whose fault it had happened, that the allies had taken arms.⁹ In consequence of this law, many of the senators and nobles were summoned to their trials. Bestia and Cotta (the nephew of Rutilius), to avoid a sentence, went into voluntary exile. Mummius Achaicus is said to have been banished to the island Delos; but, if he were living at this time, he could not be less than a hundred years old. Antonius, the orator, saved himself by his eloquence; and Æmilius Scaurus, who, on different accounts, had been often accused, and as often acquitted, found means to escape once more.^r Q. Varius himself, when out of office, was condemned by his own law, and was banished. [He afterward suffered death by torture, but at whose command is not known.]

But now the senate made diligent preparation for war. The Latins, Sabines, Hetrurians, and Umbrians, and even some places in the revolted provinces, continued faithful to the republic, and furnished their contingents of men. Foreign nations sent auxiliaries to her, and Sertorius, then quæstor in Cisalpine Gaul, brought her a reinforcement of Gauls. The conduct of the war was committed to the consuls L. Julius Cæsar, and P. Rutilius Lupus. It is thought, that Cæsar had Samnium allotted to him for his province, and Rutilius the country of the Marsi. And, in order to stop all prosecutions, on account of Varius's law, and thereby free the city

⁹ Appian says, the purport of the law was to bring into judgment all who had openly, or secretly, favoured the pretensions of the Italians: that the Roman knights put the tribune upon this project, that they might have an opportunity to revenge themselves on their enemies, and that they guarded him with drawn daggers, till he had carried his law. App. de Bell. Civ. l. 1. p. 373.

^r Whatever difficulties Scaurus might have found to escape in former trials, he got rid of this with great ease. To all the declamations of his adversaries, he made only this laconic reply: "Q. Varius, a Spaniard of Sucro, accuses M. Scaurus, prince of the Roman senate, of having excited the allies to take up arms. M. Scaurus, prince of the senate, denies the charge: no witness is produced: which of the two will you believe, Romans?" This kind of defence had such an effect on the assembly, that the tribune thought it the safest way to desist, and declared that he would give him no farther trouble. Ascon. in Cic. pro Scæu. Quintil. v. 12.

from intestine dissensions, the senate ordered the courts of justice to be shut up during the Italian war. To each of the consuls were assigned five lieutenants, who, under their direction, commanded separate armies with proconsular authority. The lieutenants of Rutilius were C. Marius, Cn. Pompeius, father of Pompey the Great, Q. Cæpio, C. Perperna, and Valerius Messala. Cæsar's chief officers were Cornelius Sylla, P. Lentulus, T. Didius, P. Licinius Crassus, and M. Marcellus. These generals, leaving a sufficient garrison in Rome, set out with 100,000 men, divided into several armies: nor were the forces of the Italians less numerous.

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Ascon. Or.
1. pro C.
Corn.
App. p.
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Præsentius, one of the generals of the allies, defeated a considerable body of troops under Perperna, and slew 4,000 of his men. Whereupon, the consul Rutilius deprived Perperna of his command, and joined the remains of his routed troops to those of Marius. The two generals encamped on the banks of the Liris,^s near each other: Vettius Cato, who had already vanquished in battle the consul Cæsar, and taken Æsernia, a Roman colony on the Volturnus, now advanced to hinder Rutilius and Marius from passing the Liris. Marius advised the consul not to hazard a battle, till his raw soldiers were disciplined; but Rutilius neglected the advice, thinking, that his lieutenant envied him, and wanted a seventh consulship, that he might have the glory of finishing the war. His suspicions, if we may believe Dio Cassius, were not ill-founded. Be that as it will, Rutilius passed the river, and fell into an ambush, lost 8,000 of his men, and was himself mortally wounded. Marius knowing, by the number of dead bodies that floated down the stream, that the armies were engaged, drew out his forces, passed the river, and easily made himself master of the enemies' camp: so that Vettius was obliged to pass the night on the field of battle, and to march off next morning for want of provisions.

App. p.
375.

Oros. l. 5.
c. 18.

Dio. Cass.
ap. Vales.
p. 641.
App. loc.
cit.

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^s Orosius says, it was the Telonius in the country of the Marsi.

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Liv. Epit.
l. 73.

App. p.
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When the bodies of the consul, and of the other officers, that had fallen in the battle, were brought to Rome to be interred, the consternation among the people was so excessive, as to induce the senate, to make a decree, that thenceforward the bodies of the slain should be buried on the spot where they died: and this, as a prudent example, was followed by the enemy.

Q. Cæpio having obtained some small advantage over the allies, the senate ordered, that Marius and he should share between them the forces which Rutilius had commanded. This honour greatly raised the presumption of Cæpio; of which the Italian consul Pompedius found means to make advantage for his cause. Leaving his army, he went to the Roman camp, and, together with two slaves sumptuously dressed, who, he said, were his sons, surrendered himself to the general. To gain the more credit, he had brought with him large pieces of lead covered with gold and silver, which, as his treasure, he deposited in the hands of Cæpio. At the same time, he urged him to fall upon the Italian army, while without a leader, and offered himself to be his guide. Cæpio gladly listened to the proposal; and when he had brought his army near the place, where an ambush was laid for him, Pompedius, under pretence of reconnoitring the enemy, rode up to an eminence, and from thence gave the appointed signal to his men, who instantly rushed out upon the Romans, made a great slaughter of them, and killed Cæpio himself. What remained of his army joined that of Marius, by order of the senate.

During these transactions, the confederates had great success in other parts of Italy. In Campania, Lucania, and Apulia, they had possessed themselves of several important towns, which had refused to join with them in the war. And M. Lamponius had routed a Roman army, commanded by Licinius Crassus, lieutenant to the consul Cæsar. The consul himself, after his defeat by Vettius Cato, had recruited his army with a consider-

able body of Gauls and Numidians, and marched to the relief of Acerræ, then besieged by Aponius. Hereupon the Italian general brought Oxinta, the son of Jugurtha, from Venusia, where he was kept in confinement, and gave him the title of king. The Numidians deserted in such numbers to their sovereign, that the consul, fearing they would all leave him, sent what yet remained with him into Africa. After this, Aponius attempted to force the Roman intrenchments, but lost 6,000 men in the action. Yet Cæsar, it is said, left Acerræ, and we do not find that Aponius raised the siege of it. However, at this time, the citizens of Rome laid aside the military habit which they had worn from the beginning of the war.

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Liv. Epit.
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Vell. Pat.

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App. p.
377.

The next account we have of Cæsar, is, that his forces, consisting of 30,000 foot and 5,000 horse, were attacked on a march, by Marius Egnatius, who cut off the greater part of them. Nevertheless, the consul recruited his army, and marched once more to the relief of Acerræ: but it is not said that he attempted any thing against Aponius, or Aponius against him.

In the meantime, three of the Italian generals, Afranius, Judacilius, and Ventidius, had routed the army of Cn. Pompeius, and driven him to take refuge in Firmum, a city of Picenum. After this victory, Judacilius and Ventidius turned their arms another way, leaving Afranius to besiege Firmum. To the relief of this place Sulpicius advanced by unfrequented roads, and while the besieged, in concert with him, made a sally upon the besiegers, he attacked their camp on the other side, and set fire to it. This disaster so terrified the Italian soldiers, that they fled in disorder to Asculum; but their general, disdaining to fly, fell in the engagement. Pompeius, soon after, invested Asculum, the siege of which lasted a long time.

P. 378.

The Marsi, under what general is uncertain, attacked Marius in his camp: he repulsed them, and drove them

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663.
B. C. 89.

362d con-
sulship.

Plut. in
Mar.

App. p.
379.

Liv. Epit.
l. 74.

Cic. pro
Balb. c. 8.
Vell. Pat.
l. 2. c. 16.
Strab. l. 5.
p. 241.
A. Gell. l.
4. c. 4.

into some vineyards, whither he did not think it advisable to follow them. But Sylla, who lay encamped on the other side of those vineyards, fell upon the enemy, and made great havoc of them. Above 6,000 of the Italians fell in the two actions. The Marsi, however, soon recruited their forces, and frequently offered battle to Marius, which he constantly declined. He was, during this war, if we may believe Plutarch, extremely slow, irresolute, and inactive; which, the historian says, might be owing to his being advanced in years (for he was then sixty-five) or to his being troubled with nervous disorders. The enemy surrounded him with intrenchments, and insulted him daily:^t but of this he took little notice, and, at length, laid down his command, under pretence of wanting health.

The ill success of the Romans in this campaign encouraged the Umbrians and Hetrurians to think of revolting from the republic. In so great an extremity, the senate not only ordered the freedmen to be enlisted in the legions, but even began to yield the point they had so obstinately refused. The consul L. Julius Cæsar obtained a law^u (which from his name was ever after called Lex Julia), ordaining that the freedom of the city should be given to the Latins, and to those of the other

^t Plutarch reports that Pompeius Silo went up one day to Marius's intrenchments and called out to him: "Marius, If you are a great general, come down into the plain, and fight us;" to which Marius answered, "If you, Silo, are a great general, force me to a battle against my will."

^u According to Appian, the Julian law gave the freedom of Rome only to those of the Italians who had not entered into this war against the republic. Cicero, in the place above quoted, says, in general, that by this law the allies and Latins obtained the freedom of the city. It is probable, the law included all who would take the benefit of it; for Appian himself (p. 382.) says, that privilege was given to all the allies; to each nation as they laid down their arms. Strabo likewise tells us, that the Italians continued this war for two years, until they had procured themselves the freedom of the city, for which they had taken up arms. (Strab. loc. supra cit.) In the Epitome of Livy (l. 30.) it is said, that the senate gave the freedom of Rome to the nations of Italy. And Vell. Paternulus, after mentioning the ill success of the Romans in this war, adds, that they recovered strength by granting the freedom of the city by degrees to those who had not taken up arms, and to those who laid them down in time. Now as we find no law, during the course of this war, which gave the privilege of citizenship to the allies in general, except the Julian law, it is probable, that it extended to all who chose to be included in it. This likewise helps us to account the more easily for the ill success of the Italians, the next campaign, notwithstanding the great advantages they gained in the present year.

Italians, who had not taken up arms against the republic, and to those who should lay them down. According to Appian, this law, being sent into the several towns of Hetruria, kept the people of that country steady to the interest of Rome. Some authors, however, mention a victory over the Hetrurians and Umbrians, but it is uncertain whether this victory was obtained before the passing of that law, or after it.

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R O M E
663.
B. C. 89.

362d con-
sulship.

App. de
Bell. Civ.
l. 1. p. 379.
Liv. Epit.
l. 74.
Oros. l. 5.
c. 18.

In the following consulship of Cn. Pompeius Strabo,^x and L. Portius Cato, new censors were elected a year before the usual time: and therefore, Sigonius conjectures they were chosen to assign to the allies their proper tribes. That the allies might have little sway in the *comitia*, the senate would not distribute them in the old thirty-five tribes, but created for them eight new tribes; ordering, that these should give their suffrages the last, so that they seldom came to vote at all: an affair, which afterward occasioned great disturbances in the republic.

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664.
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363d con-
sulship.

Sigon. de
Antiq.
Jur. Ital.
l. 3. c. 1.
App. loc.
cit.
Vell. Pat.
l. 11. c. 20.
Cic. pro
Arch. c. 4.

Another law, which was at this time obtained by C. Papirius Carbo, and M. Plautius Silvanus, two tribunes of the commons, imported, that all foreigners, who were free of the cities allied to the republic by league, should likewise have the freedom of Rome, provided they had at that time an habitation in Italy, and gave their names in to the Roman prætor within sixty days after the promulgation of the law.

This Plautius, by the assistance of the nobles, procured a law, which deprived the Roman knights of the sole right of judicature. It ordained, that each tribe should, out of their own body, annually elect fifteen persons to act as

Cic. Or. 1.
pro C.
Corn. et
Ascon. in
loc.

^x Cicero tells us, that he was present at a conference between Pompeius the consul and Vettius the general of the Marsi, who had given the Romans a cruel defeat the year before, in which the consul Rutilius was killed; it was held in sight of the two camps, and managed with great decency: the consul's brother, Sextus, being an old acquaintance of Vettius, came from Rome on purpose to assist at it; and at the first sight of each other, after lamenting the unhappy circumstance of their meeting at the head of opposite armies, he asked Vettius, by what title he should now salute him, of friend or enemy? to which Vettius replied, "Call me friend by inclination, enemy by necessity.—Quem te appellem, inquit? et ille: voluntate hospitem, necessitate hostem." Phil. 12. 11. which shews that these old warriors had not less politeness in their civil than fierceness in their hostile encounters. Middl. Life of Cic. vol. 1. p. 18.

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R O M E
664.
B. C. 88.

363d con-
sulship.

Liv. Epit.
l. 74.

Val. Max.
l. 9. c. 4.

§. 4.
App. p.
382.

judges; an honour now made common to all the three orders in the state.^y

At this time, great numbers of citizens being plunged in debt, and their creditors demanding payment, not only of the principal, but of the interest; which last, though allowed by custom, was prohibited by law, the debtors not only refused to pay, but some of them even threatened to prosecute their creditors for usury. A. Sempronius Asellio, then prætor urbanus, after endeavouring in vain to reconcile the parties, gave permission to the debtors to plead the law; which so enraged the creditors, that they fell upon him, and murdered him, while he was performing the sacrifice in the forum. In this riot they were assisted by L. Cassius, one of the tribunes of the people; and though the senate offered a reward to whoever should discover the authors of the murder, effectual care was taken by the usurers to prevent the appearing of any informer.

Liv. Epit.
l. 75.

L. 74, 75.
App. p.
381.

During the broils in the city, war was carried on with vigour abroad. The consul Pompeius continued the siege of Asculum,^z while his colleague Portius Cato successfully fought several battles with the Marsi: but in an attempt to force their camp, he was slain,^a and his army routed. It would seem that, after this, Pompeius turned the siege of Asculum into a blockade; for it is said, that he routed the Marsi and Marrucini, and reduced the Vestini to surrender themselves. The prætor Cosconius took Salapia and Cannæ, and besieged Canusium, but the Samnites defeated him in battle, and obliged him to raise the siege: yet, in a second action, he, and the prætor Luceius, obtained a victory over them,

^y Some think, that the same tribune was author of the law *de vi*, which may be rendered *concerning assault and battery*: but others are of opinion, that this law was not enacted till the year 675.

^z Vell. Pat. reports that an army of 75,000 Romans fought a battle before Asculum with 60,000 Italians; but he neither tells us at what time, nor who were the generals, nor which side gained the victory.

^a If we may believe Orosius, (l. 5. c. 18.) Cato had boasted, that by his exploits he had equalled Marius; and, for this boasting, the son of Marius killed him, during a battle with the Marsi.

and slew 15,000 of their men, together with one of their leaders, Marius Egnatius.

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B. C. 88.

In the beginning of the campaign, Sylla made himself master of Stabiæ, and razed it to the ground. He then joined to his own forces a Roman army, which had just slain their general Posthumius Albinus, for treating them haughtily.^b Sylla made no inquiry concerning the criminals, alleging, that to make the crime be forgotten, the soldiers would fight with greater bravery.

363d con-
sulship.
Plin. l. 3.
c. 5.
Oros. l. 5.
c. 18.
Plut. in
Sylla.

The historians have left us such romantic accounts of some of the remaining exploits of Sylla, during this war, that it may reasonably be suspected they took them from his own memoirs. We are told, that while he lay encamped near Pompeii, in Campania, L. Cluentius came and pitched his camp within three furlongs of him. This Sylla looked upon as so great an affront, that though he had sent out some part of his army to forage, he immediately gave battle to the enemy, in which he was vanquished and put to flight. Nevertheless, the foragers having joined him, he again attacked Cluentius, defeated him, and forced him to remove his camp to a greater distance; the latter, however, got succours from the Gauls, and then offered battle to Sylla. When the two armies were drawn out, a huge Gaul came forward, and challenged the bravest of the Romans to fight him; this gigantic hero being slain by a little Numidian, the Gauls were terrified, and instantly took to flight. The Italians seeing their army broken, fled likewise. Sylla pursued them, and before they could reach Nola, whither they bent their course, slew 30,000 of them: and as the people of Nola would open but one of their gates, lest the enemy should enter with their friends, Sylla cut off 20,000 more of Cluentius's army round the walls of that place, and, among the rest, Cluentius himself, who died fighting valiantly. Yet this hero, it seems, slew nobody; for we are told, that Sylla did not lose a single

App. p.
380.

Eutrop.
l. 5. c. 2.

^b The Epitome of Livy, says Albinus was meditating treason.

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R O M E
664.
B. C. 88.

563d con-
sulship.
App. loc.
cit.

man, or, at most, but one. What follows has less of the marvellous.

The Roman general marched to Æculanum, a town of the Hirpini, and summoned the inhabitants to surrender.—These, expecting the Lucanians to come to their assistance that very day, desired time to deliberate. Sylla granted them only an hour, and employed that time in laying faggots to the walls, which were of wood. When the hour expired, he set fire to the faggots; and though the Æculani surrendered themselves, yet as fear had determined them to make this surrendry, Sylla plundered the town, as if he had taken it by force. The rest of the towns belonging to the Hirpini voluntarily submitted.

Frontin.
Strat. l. 1.
c. 5. §. 17.

App. p.
381.

After these achievements, Sylla turned his arms against the Samnites. Near Æsernia, Aponius surprised him in a pass, out of which it was not easy to escape. The Roman, to deceive the enemy, pretended a desire to capitulate; and having obtained a truce, took advantage of it, while the Samnites were negligent, to march off in the night, leaving a trumpeter in his camp to sound the watches. Returning suddenly by a way which Aponius did not think of, he fell upon him, and routed his army. In this action, Aponius was wounded, and few of his men escaped. Sylla plundered the enemy's camp, and then marched to Bovianum, which he took after an assault of three hours.

Liv. Epit.
l. 76.

In the meantime, A. Gabinius, after some successful engagements with the Lucanians, and reducing several of their towns, was slain in an attempt to possess himself of the enemies' camp.

Sulpicius defeated the Marrucini, and forced them to submit to the republic.

The Marsi also, being frequently vanquished by Muraena and Metellus Pius, at length sued for peace.

Senec. de
Benef. l. 3.
c. 23.

To Pompeius, the Vestini and Peligni made their submission. The latter having seized their general

Vettius Cato in order to deliver him up to the Romans, one of his slaves snatched up a sword and killed him. "Now (said he) that I have set my master at liberty, it is time to provide for myself;" and in that instant ran the sword through his own body.

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sulship.

Corfinium, the capital of the Peligni, being now in the hands of the Romans, the allies made Æsernia, in Samnium, their principal town, and chose themselves five generals, of whom the chief was Pompedius Silo.

Macrobian.
Saturn. l. 1.
c. 2.
Diod. Sic.
in Eclog.
l. 37.

Asculum still held out against Pompeius. Judacilius, one of the Italian commanders, and an Asculan by birth, advanced to the relief of the place, but had only eight cohorts with him. To facilitate his enterprise, he gave notice to the Asculans of his approach, desiring them to make a sally upon the besiegers, as soon as he should come in sight. Judacilius had personal enemies in the place; and either by their influence, or through fear, the Asculans kept close within their walls. Nevertheless, sword in hand, he forced his way over the Roman intrenchments, and marching with his men up to the gates of the town, was then received by the inhabitants: but despairing of the preservation of the place, when he had first massacred all his enemies, he gave a great feast to his friends; at the close of which, he drank off a cup of poison, that he might not survive the ruin of his native city.^c

App. p.
378.
Oros. l. 5.
c. 18.

App. p.
379.

Pompeius, after this, entered Asculum. He put to death all who had any command in the place, and all the principal citizens, dismissing the rest of the inhabitants, after he had stripped them of their effects. The slaves, with all the plunder (which he sold), in short, the whole prey he converted to his own use, though the treasury, as Orosius tells us, was so much exhausted, that the houses about the Capitol, which had been as-

Oros. l. 5.
c. 18.

^c "The writers (Appian and Orosius) who mention this story, place it in the beginning of the siege of Asculum; but it is not probable, that Judacilius would have killed himself so soon, had he seen the town in a condition to hold out a long siege." Crevier.

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sulship.

Vell. Pat.
l. 2. c. 17.
Plut. in
Mar.
Liv. Epit.
l. 75.

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R O M E
665.
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364th con-
sulship.

Diod. Sic.
in Eclog.
l. 37.

Jul. Ob.
c. 54.
App. p.
382.

signed to the several orders of priests and augurs, were sold to raise money for the exigencies of the state.

The conqueror had the honour of a triumph; and, among the rest of the captives led in the procession, were P. Ventidius and his wife; she bearing in her arms a son, who afterward became consul of Rome, and, in the time of the second triumvirate, had himself a triumph for his victories over the Parthians.

In the end of the campaign, Sylla went to Rome to sue for the consulship. He was forty-nine years of age, or, according to Plutarch, fifty; and few men had done greater exploits than he, before their arrival at that dignity.^d But, probably, the credit and influence of Marius had stood in the way of his ambition. He now obtained the consular fasces, and the people gave him for his colleague Q. Pompeius Rufus.

The affairs of the allies continuing to decline, they sent an embassy to Mithridates, king of Pontus, requesting succours from him. The king answered, that he would pass into Italy, as soon as he had subdued Asia.

Pompedius, if Diodorus is to be credited, raised an army of above 50,000 men, 21,000 of which were slaves.

^d Dr. Middleton observes, that "Marius in this war performed nothing answerable to his great name and former glory: his advanced age had increased his caution, and after so many triumphs and consulships, he was jealous of a reverse of fortune: so that he kept himself wholly on the defensive, and, like old Fabius, chose to tire out the enemy by declining a battle; content with snatching some little advantages that opportunity threw into his hands, without suffering them, however, to gain any against him.

"Sylla, on the other hand, was ever active and enterprising; he had not yet obtained the consulship, and was now fighting for it, as it were, in the sight of the citizens; so that he was constantly urging the enemy to a battle, and glad of every opportunity to signalize his military talents, and eclipse the fame of Marius; in which he succeeded to his wish, gained many considerable victories, and took several of their cities by storm, particularly Stabiæ, a town of Campania, which he utterly demolished. Cicero, who seems to have followed his camp, as the chief scene of the war, and the best school for a young volunteer, gives an account of one action, of which he was eye-witness, executed with great vigour and success: that as Sylla was sacrificing before his tent in the fields of Nola, a snake happened to creep out from under the bottom of the altar, upon which Posthumius, the haruspex, who attended the sacrifice, proclaiming it to be a fortunate omen, called out upon him to lead his army immediately against the enemy; Sylla took the benefit of the admonition, and drawing out his troops without delay, attacked and took the strong camp of the Samnites under the walls of Nola. This action was thought so glorious, that Sylla got the story of it painted afterward in his Tusculan villa."

With these forces he retook Bovianum, but was defeated in battle by Mamercus, and afterward lost his life in an engagement with Metellus Pius.

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The Samnites and Lucanians still continued in arms; but we hear of no more warlike exploits performed by them, or against them: the Romans, sufficiently employed by their civil broils, and their war abroad with Mithridates, had little leisure to attend to the total reduction of the revolted Italians. But, in conclusion, each nation of these allies obtained the freedom of Rome successively, upon laying down their arms. Even to the Samnites and Lucanians was at length granted the same privilege.^e And, though some Roman historians would disguise it, it seems plain that the republic granted the freedom of the city, not generously to each nation after subduing it, but by treaty, and as a condition of peace.

364th consulship.

App. loc.
cit.
Vell. Pat.
l. 2.
Strab. l. 5.
p. 241.

In this war perished 300,000 men, Romans and Italians.

Vell. Pat.
l. 2. c. 15.

CHAP. IX.

The occasion of the first Mithridatic war. It commences under the conduct of three Roman generals.

To check the progress of Mithridates, was now the great affair of the republic: he had made no opposition to Sylla's replacing Ariobarzanes on the throne of Cap-

^e M. Montesquieu observes, that the grant which the Romans made to the Italian allies of the rights of the city, though considered at first as the foundation of a perpetual peace, was one of the causes that hastened the ruin of the state: "for the enormous bulk, to which the city was swelled by it, gave birth to many new disorders, that gradually corrupted, and at last destroyed it; and the discipline of the laws calculated for a people whom the same walls would contain, was too weak to keep in order the vast body of Italy: so that from this time chiefly all affairs were decided by faction and violence, and by the influence of the great; who could bring whole towns into the forum from the remote parts of Italy; or pour in a number of slaves and foreigners under the form of citizens; for, when the names and persons of real citizens could no longer be distinguished, it was not possible to know, whether any act had passed regularly, by the general suffrage of the people." *De la Grandeur des Romains*, c. 9.

Vide supr.
p. 144.

This observation is doubtless very just; but it were to be wished, that the ingenious writer, or his ingenious admirer, Dr. Middleton, had told us how it were possible for the Romans to avoid making that concession, without exposing themselves to inevitable ruin.

Middl. Life
of Cic. p.
21.

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364th con-
sulship.
Just. l. 38.
c. 3.

padocia (in 661); yet not long after, had contrived to have him driven from thence a second time.

Tigranes, king of Armenia, by his conquests, had very much extended the dominions left him by his ancestors, and had formed a mighty empire. In order to draw him into a war with the Romans, Mithridates first engaged him to marry his daughter Cleopatra, and then, by the agency of Gordius, prevailed with him to undertake the dethroning of Ariobarzanes; the Armenian not imagining, that he should thereby give offence to the Roman republic. The Cappadocian king, inactive by nature, and unable to withstand so powerful an invader, retired out of the country upon the first approach of Tigranes, and carried off his substance.

Nicomedes Philopator, king of Bithynia, dying about this time, his son Nicomedes succeeded him, and was confirmed on the throne by a decree of the Roman senate. He had a brother, Socrates, surnamed Chrestus, who, it seems, made pretensions to the kingdom. This man, with the assistance of some forces lent him by Mithridates, drove out Nicomedes, and took his place.

Vid. supr.
p. 133.

Just. l. 38.
c. 5.

The two dethroned kings repaired to Rome, and there made their complaints to the senate, who ordered some commissioners, at the head of whom was that Manius Aquilius, who terminated the war of the slaves in Sicily, to go into Asia, and, in conjunction with Cassius, then proconsul of Asia, and even with Mithridates himself, reinstate Ariobarzanes and Nicomedes in their respective kingdoms. Mithridates would not give assistance to these commissioners, yet he quietly suffered them to restore the dethroned kings; and he put to death Socrates Chrestus, who had taken refuge in his dominions.

During this seeming inaction of the king of Pontus, he took measures to strengthen himself, by an offensive treaty of alliance, which he made with Tigranes: it was agreed between them, that, of the conquests they should

make, the cities and countries should belong to Mithridates, and all the men and plunder to Tigranes; who, in this article, had a view to the peopling of Tigranocerta, which he was then building, and which he intended to make one of the greatest cities in the world. The king of Pontus gained likewise to the interest of his cause the Gallo-Greeks, the Sarmatæ, the Bastarnæ, and the Scythians; in a word, he armed almost all Upper Asia against the Romans. Nevertheless, to preserve the appearance of justice, he forbore all acts of hostility against them, and confined himself to observing their motions. It was in these circumstances, that he received an embassy from the Italian states to invite him to join his forces with theirs; but, at that time, the affairs of Asia were too much embroiled to permit his absence.

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The occasion he wanted and wished for, to enter upon action, was soon furnished him by the Roman generals; who, for the sake of enriching themselves, had meditated the kindling a war in Asia: with this view they endeavoured to persuade Nicomedes and Ariobarzanes to invade the dominion of the king of Pontus; promising to lend them assistance. Neither of the kings was willing to provoke so powerful a neighbour: but, at length, the Bithynian, who owed a great sum of money to the Roman generals, and commissioners, for his restoration, besides what he had borrowed at interest from the Asiatic Romans, entered the territories of Mithridates in a hostile manner, and ravaged the country, as far as Amastris. The king of Pontus had a considerable army on foot, yet suffered, without resistance, these depredations, that he might have many and just causes for the war: and though he knew that the Roman commissioners had incited the Bithynian to make this incursion, he dissembled his knowledge of it, and sent one Pelopidas, to represent to them, that Mithridates was the friend and ally of Rome, and to desire that

App. Mi-
thrid. p.
177.

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364th con-
sulship.

App. Mi-
thrid. p.
178.

they would assist him against Nicomedes, or, at least, oblige that prince to give him satisfaction for the injuries he had already suffered from him. The Bithynian ambassadors on the other hand, accused the king of Pontus of ill designs against the Roman republic; designs, which, they said, he had sufficiently discovered, by assisting Socrates to dethrone their master, whom the senate and people of Rome had declared king of Bithynia; by having seized upon many places in the Thracian Chersonesus, though the Romans had forbidden all the Asiatic kings to hold any possessions in Europe; and by the great preparations he had made for war, and the numerous alliances he had formed. Pelopidas replied, that there was no occasion for long disputes, the commissioners seeing very well the state of affairs, and therefore, he again desired they would restrain Nicomedes, or grant aid to Mithridates, or suffer him to defend himself. As the king of Pontus had not yet violated the league with Rome, the commissioners were at a loss what answer to return. At length they pronounced, that it was not their pleasure Nicomedes should molest Mithridates, nor would they allow the king of Pontus to make war upon the king of Bithynia, it being contrary to the interest of the Roman republic, that the Bithynian should suffer any detriment. Pelopidas would have objected to this declaration, but they would not hear him.

P. 180.

Mithridates, on his return home, thinking himself openly injured by the Romans, sent his son Ariarathes with an army into Cappadocia, to seize the kingdom; which he did without great difficulty. After this expedition, the king of Pontus dispatched Pelopidas, a second time, to the commissioners. The ambassador told them, that what had been done in Cappadocia, contrary to their inclinations, was entirely owing to the iniquity of their conduct, and the prevarication of their answers; that his master had sent to Rome a complaint against them, and that he summoned them to appear there, and defend

their cause. He then admonished them not to enter upon a war, without being authorized by a decree from the Roman senate and people, and boasted of the greatness of Mithridates, reckoning up the nations that were subject to him, and the number of his allies; and concluded, with asking them, either to restrain Nicomedes from making war upon Pontus (in which case he promised them his master's assistance to reduce the Italians), or renounce that specious league, which had nothing of friendship in it but the name. Provoked at this discourse, the commissioners ordered Mithridates totally to quit Cappadocia, and to forbear all hostilities against Nicomedes; adding that they would take effectual care, that Ariobarzanes should be immediately restored to his dominions. They then commanded the ambassador to leave their presence, and forbade him to return, unless the king obeyed the Romans.

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364th con-
sulship.

App. in
Mithridat.
p. 181.

Without waiting for orders from the senate, the commissioners hastened to form a mighty army. Bithynia, Cappadocia, Paphlagonia, and Gallo-Greece, furnished them with troops, which, added to the Roman forces, made up 120,000 men. These they divided into three equal bodies, commanded by three generals; L. Cassius, proconsul of Asia, M. Aquilius, and Q. Oppius. The proconsul encamped on the confines of Bithynia and Gallo-Greece; Aquilius seized the passes by which the king of Pontus might enter Bithynia; and Oppius posted himself on the borders of Cappadocia. They had also a fleet, which, under the command of Minucius Rufus, and C. Popillius, guarded the straits of the Euxine sea. Besides these forces, Nicomedes brought into the field an army of 50,000 foot and 6,000 horse.

On the other hand, Mithridates made it appear, that Pelopidas had not exaggerated, when he boasted of his master's strength. The king's army consisted of 250,000 foot, and 40,000 horse. He had, besides, 130 armed chariots, and 400 ships of war. His son-in-law, Ti-

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sulship.

Strab. l. 12.
p. 562.
App. Mi-
thrid. p.
182.

P. 183.

Justin, l. 38.
c. 3.

Liv. Epit.
78.
App. Mi-
thrid. p.
184.

granes of Armenia, assisted him in this war ; and the kings of Parthia, Syria, and Egypt, favoured his cause. His chief generals were Neoptolemus and Archelaus, two brothers, Cappadocians ; but he frequently commanded in person.

Near the river Amnias in Paphlagonia, Neoptolemus and Archelaus, with the light-armed infantry, 10,000 Armenian horse, and some chariots, attacked Nicomedes, though greatly superior in numbers, and totally overthrew him. The king of Pontus treated all the prisoners kindly, and sent them home without ransom. This victory, obtained without the assistance of the phalanx, and without the advantage of ground, over superior numbers, by the skill of the generals, and the bravery of the soldiers, made the Roman commissioners perceive, that they had been more hasty than wise, to kindle a war of such consequence, before they were authorized by a public decree.

On the approach of Mithridates, Aquilius retreated ; Neoptolemus pursued him, forced him to an engagement, and defeated him. He fled to the river Sangar, crossed it in the night, and continued his flight to Pergamus. Cassius, on this news, retired to Leontocephale, a strong castle in Phrygia ; but soon quitted that place, and shut himself up in Apamea. Nicomedes took refuge in Pergamus ; Oppius in Laodicea. The land forces of the Romans being thus dispersed, their fleet deserted the entrance of the Euxine sea, and left the Bithynian ships a prey to Mithridates's admiral. In a short time, all submitted to the king of Pontus. He treated the inhabitants with great clemency, forgave the debts they owed to the crown, and remitted the customary tribute for five years.

After this, he overran Phrygia, Mysia, Asia Propria, Lycia, and Pamphylia. Few places made any resistance, and he possessed himself of all the towns and islands of Asia Minor, except Rhodes. The Laodiceans

having, on the king's summons, delivered up to him Q. Oppius, the Roman general, he spared his life, but led him about as a spectacle. Aquilius, the author of the war, whom the people of Mitylene in Lesbos had delivered up, was treated with extreme rigour. Mithridates made him go along with the army, mounted upon an ass, and forced him frequently to proclaim, that he was Manius Aquilius, the Roman proconsul. At last he caused him to be put to death at Pergamus, by pouring melted gold down his throat, in reproach of the Roman avidity.

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Val. Max.
l. 9. c. 13.
§. 1.
Plin. l. 33.
c. 3.

CHAP. X.

Civil commotions raised by Marius and Sylla, now consul, year of Rome 665. Sylla procures the banishment of his rival. The distresses and adventures of Marius. He passes into Africa. He returns into Italy, on the invitation of Cinna, consul in 666. The violence and cruelties of Marius and Cinna. Marius dies in his seventh consulship, year of Rome 667.

As the republic had resolved to send an army against Mithridates, the consul Sylla, among many competitors, shewed an extreme eagerness to have the command of it; and either by lot, or by appointment, it fell to him. Marius had long set his heart upon this commission; for notwithstanding his years and infirmities, he was still tormented with ambition and the thirst of glory, passions (says Plutarch) which never grow old in man. His avarice likewise sided with his ambition: Asia abounded with riches, and a war in that country he thought would be more lucrative than difficult. Nevertheless, he pretended that his sole reason for desiring this province, was to have an opportunity of teaching his son the art of war. To persuade the people, that he had yet a constitution fit to endure the fatigues of a military life, he daily went into the Campus Martius, and there, though seventy years of age, and extremely corpulent, performed his exercises among the Roman youth, contending with them in horsemanship, &c.

Plut. in
Sylla.

App. de
Bell. Civ.
l. 1. p. 338.
Plut. in
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Vell. Pat.
l. 2. c. 18.

Cic. de
Orat. l. 2.
c. 47, et seq.

l. 1. 7.

De Har.

Resp. c. 20.

In Brut. c.
63.

Plut. in
Sylla et in
Mar.

Auct. ad
Herenn.
l. 2. c. 28.

The better to succeed in his project, he joined himself with P. Sulpicius, then tribune of the people. This man, says Paterculus, was rich and eloquent, had great talents, great spirits, and great interest; and whereas formerly he had endeavoured to establish to himself a name by honourable methods, yet now, as if he repented of his virtues, he, all on a sudden, ran headlong into wickedness. When very young he had signalized himself, by accusing of treason the famous C. Norbanus, whom Antonius, the orator, defended. He is mentioned in several parts of Cicero's works,^f and with great commendation of his eloquence. His entrance into public life, according to that author, was very promising: but his eagerness, when tribune, to hinder C. Cæsar Strabo from being consul before he had passed through the prætorship, and the applauses he met with from the people on that occasion, carried him farther than he at first intended. Plutarch tells us, that in Sulpicius were united cruelty, impudence, avarice, and all sorts of vice: so that it was needless to inquire wherein his wickedness exceeded that of other men, but wherein it surpassed itself. It seems, he proposed Saturninus for his model, and, as the only thing which he blamed in that model was his not being daring and quick enough in his enterprises, he himself immediately appeared attended with a guard of 3,000 men, among whom were 600 knights. This guard he called the anti-senate. He also publicly sold the freedom of the city to strangers and freedmen,^g and received the money at a table placed in the Forum. One of his colleagues had proposed a law for recalling those exiles,^h who had been sent into banishment without being heard; but Sulpicius would not suffer the law to pass. Afterward, nevertheless, he himself proposed

^f De Har. Resp. c. 19. In Brut. c. 19. 55. Cicero makes him one of the speakers in the three dialogues he composed de Oratore.

^g The Roman freedmen had not a title to all the rights of citizenship.

^h It would seem, that by the exiles are meant those who had been banished by the Lex Varia, mentioned above, p. 154.

the same law, without allowing it to be the same, because he had changed the word “exiles” into the words “those who had been ejected by force.” He then proposed several other laws, among which one prohibited the senators from contracting debtsⁱ above the value of 2,000 denarii. Another ordered, that the new citizens (meaning the Italians) and the freedmen should not, in voting, be confined to certain tribes, but be dispersed through the whole; a third was for transferring from Sylla to Marius the conduct of the Asiatic expedition.

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Plut. in Sylla.

64l. 11s. 8d.
Arbuthnot.

To defeat these projects, the consuls proclaimed holidays, which lasted a long time, during which, it was not lawful to assemble the *comitia*: but the tribune having gathered about him a multitude, went to the senate-house, and commanded the consuls, Pompeius and Sylla, to revoke their edict concerning the holidays, that the people might give their votes with regard to the laws in question. The consuls refused: Sulpicius’s party drew their daggers; Pompeius made his escape, his son was killed, and Sylla, being closely pursued, took refuge in Marius’s house. Some say, that Marius let him out at a back-door, but Sylla, in his own memoirs, quoted by Plutarch, denied that he took refuge in Marius’s house, and affirmed, that Sulpicius’s followers forced him thither, and then obliged him to return to the forum, and revoke the edict in question.^k Be that as it will, it is certain, he revoked the edict, for which reason Sulpicius left him in possession of the consulship, degrading only his colleague Pompeius. Sylla, immediately after the tumult, left the city, and joined his army, then employed in the siege of Nola, which still held out against the re-

Liv. Epit.
l. 77.

Ascon. in Orat. in 1 pro Corn.

App. de Bell. Civ.

l. 1. p. 383.
App. p. 384.

Plut. in Sylla et in Mar.

ⁱ Yet, after the death of Sulpicius, it was found, that he himself had contracted debts to the amount of 3,000,000 of denarii, that is, about 96,875*l.* sterling.

^k Vell. Pat. and Eutropius say, that Sylla was with an army in Campania, during this tumult, contrary to what Plutarch, Appian, and Sylla’s own memoirs affirm. [If these memoirs of Sylla were genuine, it may reasonably be asked, why did not Paterculus follow them?]

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public. The tribune, having obtained the laws he proposed,¹ sent two officers to Nola, to receive the army from Sylla; but the soldiers fell upon them, and murdered them. Marius, in revenge, put to death many of Sylla's friends in the city, and confiscated their effects. In the meantime Sylla marched his troops, consisting of 30,000 foot, and 5,000 horse, towards Rome. Appian tells us, that they followed him very readily, because they hoped, that under his conduct they should enrich themselves by the plunder of Asia, and feared lest Marius would make use of another army in the Mithridatic war. All things were in confusion at Rome. Some (among whom was the consul Pompeius) fled to the camp of Sylla, while others, deserting Sylla,^m took refuge in the city. The senate found themselves obliged to obey the orders of Sulpicius and Marius. These, on Sylla's approach, sent to him two of the prætors, Servilius and Brutus,ⁿ forbidding him to proceed any farther on his march. The soldiers insulted those magistrates, pulled off their robes, and broke the fasces of their licitors. Hereupon the senate dispatched new ambassadors to Sylla, entreating him not to come nearer the city, and promising to satisfy him. He answered, that he would stay where he was; and, as if he intended so to do, ordered a camp to be marked out; but the ambassadors were no sooner gone, than he detached two of his officers with a body of men, to seize one of the gates of Rome, and the wall near the Esquiline hill. The detachment entered the city, but the inhabitants drove them back to the foot of the walls. In that instant,

¹ According to Appian, Sulpicius concealed his design of giving the conduct of the Mithridatic war to Marius, till after the tumult abovementioned, and his obtaining the law, authorizing the new citizens and the freedmen to vote in all the tribes: nor did Sylla suspect any thing of the matter till he joined his army at Nola.

^m The same writer tells us, that none of Sylla's principal officers staid with him except his quæstor.

ⁿ Ambassadors were sent several times to Sylla to inquire, why he approached the city in arms? to which he always answered, that his design was to rescue it from tyranny. At last Marius and Sulpicius sent orders to him, in the name of the senate, not to come within five miles of Rome. Appian.

Sylla arriving, commanded his men to set fire to the houses, and he himself gave the example. Marius, Sulpicius, and their followers, made what resistance they could; and promised freedom to all slaves that would arm in their cause. Few or none daring to join them, they fled out of the city. Sylla marched on to the Capitol, where he assembled the senate; and proposed to them the banishment of Sulpicius, Marius, and the son of Marius, together with nine more of their principal adherents. Of all the senators, Q. Mucius Scævola was the only man who refused to concur in this vote; and when Sylla endeavoured to terrify him by menaces, he boldly answered, “Although you should threaten me with death, and give me up to those soldiers, with whom you have surrounded the senate-house, you shall never persuade me for the sake of a life, now exhausted to the dregs, to pronounce Marius an enemy, who has saved Italy and Rome.” The decree passed; and it would seem that Sylla, by edict, set a price upon the heads of the exiles, and confiscated their estates.

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Val. Max.
l. 3. c. 8.
§. 5.

Sulpicius, being taken through the treachery of his slave, was put to death, and his head fixed upon the rostra. To reward the slave, Sylla gave him his freedom; and, to punish his treachery, caused him to be thrown headlong from the Tarpeian rock. The two consuls, after their victory, took great care that the city should not be pillaged by the soldiers. The next day, having convened the general assembly, they notified, that, for the future, the people should not be assembled by tribes, but by centuries, and that nothing should be brought before the *comitia*, till it had been first approved by the senate. They likewise annulled all those acts of Sulpicius, which had been passed since the proclamation of the holidays: and, to have a senate at their devotion, they created (if we may believe Ap-
pian) 300 new senators. To the consul Pompeius was assigned the command of an army, which then served

L. 6. c. 5.
§. 7.

App. de
Bell. Civ.
l. 1. p. 386.

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Plut. in
Sylla.

under his kinsman Cn. Pompeius Strabo, who had reduced Asculum.

Affairs being thus regulated, Sylla, sent his troops before him to Capua, intending soon to set out for Asia. The Marian faction, in the meantime, laid a snare (as it is said) for his life, and the people were so exasperated against him, that, at the election of certain magistrates, they not only passed by his nephew and his friend, but chose two of the candidates, whom they thought the most disagreeable to him. On this occasion he affected to say, that he was pleased to see the people make use of the liberty he had procured them.

App. p.
388.
Vell. Pat.
l. 2. c. 20.
Val. Max.
l. 9. c. 7.
§. 6.

When the consul Pompeius came to take the command of the army appointed him, Strabo gave it up to him, without any seeming reluctance: but the next day, the soldiers, suborned by their old general, fell upon the consul, while he was sacrificing, and killed him. Strabo pretended to be in great wrath for this murder, yet he resumed his former command.

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Plut. in
Sylla.

Vell. Pat.
l. 2. c. 24.
Plut. in
Sylla.

At Rome, Sylla, to ingratiate himself with the people, suffered them to give the consular fasces to L. Cornelius Cinna, a patrician of their own party; but had the precaution to make him solemnly swear, he would support his interest. The other consul was Cn. Octavius, a peaceable man, and a strict observer of the laws.

Cinna, rash in counsel (says Paterculus) but a man in action, dared what no man of virtue would dare, and performed what none but a man of the greatest resolution could have performed. No sooner did he enter upon his office, than he began to entertain projects for overturning all that Sylla had done; and even excited Virginius, a tribune of the people, to accuse him of a capital crime: but Sylla, neglecting the accusation, set out for his province. According to Appian, the friends of the exiles, depending upon Cinna, began to revive Marius's proposal of dispersing the new citizens among all the tribes; and Cinna had been gained to favour this pro-

App. p.
389.

ject, by a bribe of 300 talents: his colleague Octavius undertook the cause of the old citizens. On the day, when the *comitia* met to determine concerning this affair, the two parties, each headed by a consul, came to a battle in the forum: victory declared for Octavius, and, if one may believe Plutarch, near 10,000 of the new citizens were slain.^o

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58,125l.

Arb.

Plut. in
Sertor.

Cinna, who had depended upon his superiority in number, seeing his party, contrary to his expectation, defeated, ran up and down, inviting the slaves, by a promise of liberty, to take arms. This stratagem not succeeding, he left Rome, and made a progress through several towns of the allies, soliciting them every where to revolt, and raising money for the expenses of the war. While he was thus employed, C. Marius Gratidianus, C. Milonius, and Q. Sertorius,^p joined him, but the senate passed a decree against him to this effect: "Because Cinna has deserted the republic in her danger, and called the slaves to arms, we declare him fallen from his right of citizenship, and depose him from the office of consul." In his place was substituted L. Cornelius Merula, then flamen dialis. Hereupon Cinna hastened to Capua, where was quartered a Roman army, and having gained the officers who commanded it, and, by their means, got the troops convened, he entered the assembly without the fasces, and in the habit of a private man. Then, with tears, addressing himself to the soldiers: "From you, citizens, I received the honour of the consulship: what you gave

App. p.
390.

^o Appian relates the affair thus. Cinna and his party, armed with daggers under their gowns, took possession of the forum. Octavius, attended by the honestest part of the people, armed likewise with daggers, kept at home, till he was informed, that the majority of the tribunes, having forbid proceeding to pass the law, the new citizens had driven them from the rostra; then he, and his followers, broke like a torrent into the forum, pushed through the midst of the crowd, and having frightened away the rioters, retired to the temple of Castor; for out of regard to his colleague he forbore to attack him. Nevertheless, the followers of Octavius fell upon the new citizens, killed many of them, and drove the rest out of the city.

^p Sertorius, according to Plutarch, was present at the late conflict in the forum, and fled from thence together with Cinna. He had, not long before, stood for the tribuneship; but though he was so great a favourite of the people, that, one day when he entered the theatre, they broke out into a shout of applause, yet he lost his election through the influence of Sylla's party. Plut. in Sertor.

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me by your suffrages, the senate, without consulting you, has taken from me. This injury I do not lament so much for my own sake, as for yours. What occasion will there be hereafter to court the favour of the tribes? What occasion for assemblies and *comitia*? And wherein can you be useful, if you suffer your determinations to be so easily annulled?" After complaining much of his own misfortunes, he rent his garment, and coming down from the place where he had harangued, threw himself upon the ground before the assembly. The soldiers moved with compassion, raised him up, gave him back his fasces, and desired him to take courage, and lead them wherever his affairs should require. That this opportunity might not be lost, both officers and soldiers immediately took an oath of fidelity to Cinna.

Oros. l. 5.
c. 19.
Liv. Epit.
l. 79.
Vell. Pat.
l. 2. c. 21.

In the meantime, Octavius and Merula made diligent preparation for the defence of Rome, and sent to make levies of soldiers, not only among the allies, but among the Gauls. They moreover ordered Cn. Pompeius Strabo to come instantly with his army to the assistance of the republic. He had continued at the head of this army ever since the murder of his kinsman (Sylla's colleague in the consulship), who had been appointed to command it, as we have before observed. Some say, that Strabo first offered his service to Cinna, who rejected it: others, that, by encouraging both parties, he fomented a war which he could easily have suppressed in the beginning. Be that as it will, he marched to Rome, and joined Octavius, but acted in such a manner, as made it visible he had nothing in view, but his own interest. Cinna, on the other hand, to give credit to his party, sent to recall Marius and his son from banishment.

Plut. in
Mar.

We have already seen, that Sylla drove Marius from Rome, and set a price upon his head. In the evening of that day, on which he made his escape, he arrived at a villa of his own, called Salonium, and from thence sent his son to some neighbouring farms belonging to

his father-in-law Mucius, there to provide necessaries for their voyage. He himself went, in the meantime, to Ostia, where his friend Numerius, having prepared him a ship, he, without staying for his son, but taking with him Granius, his wife's son by a former husband, weighed anchor. Passing along the coast of Italy with a favourable wind, he was in no small apprehension of one Geminius, a man of great interest at Tarracina, and his enemy. He therefore bade the sailors keep off from that place, and they were willing to obey, but the wind changing, and blowing hard from the sea, and their vessel being scarce able to resist the waves, Marius, too, being indisposed, and sea-sick, it was with great difficulty they could get so far as Circeii, on this side of Tarracina.

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The storm now increasing, and their provisions failing, they went on shore, and wandered up and down they knew not whither; avoiding, as it usually happens in great dangers, the present evil, and relying on uncertain hopes. The land and the sea were both perilous: they feared to meet with people, and yet, wanting food, feared more to meet with nobody. Towards night they lit upon a few poor herdsmen, who, unhappily, had nothing to give them: but knowing Marius, they advised him to get away, as soon as possible, for they had seen a party of horse in search of him. Marius, seeing that his attendants, spent with long fasting, were unable to go farther, turned aside out of the road, and hid himself in a thick wood, where he passed the night in great distress. The next day, though pinched with hunger, yet willing to make use of the little strength he had left, he travelled by the sea-side, encouraging his companions by prophecies, upon which, he said, he depended. He told them that, when he was a child, he brought home an eagle's nest, in which were seven young ones; and that his parents, much astonished at the accident (for it is said, that an eagle never hatches

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more than two), having consulted the diviners, these had declared, that he would be the greatest amongst men, and be seven times possessed of the highest magistracy in his country.

When he and his company were now about two miles and a half from Minturnæ, they espied a troop of horse making towards them with all speed, and at the same time, two ships pretty near the shore. Hereupon they ran as fast as they could to the sea, and plunging themselves into it, swam to the ships. Granius, and those that were with him, got into one of them, and passed over to the opposite island, called Ænaria. Marius, heavy and unweildy, was, with much difficulty, borne above the water by two slaves, and put aboard the other ship. In this instant, the soldiers arrived at the sea-side, and from thence called out to the mariners, to bring their vessel to shore, or else to throw out Marius. He, on the other hand, besought them with tears, not to deliver him up to his enemies. The mariners, after a consultation, wherein they inclined sometimes to the one side, sometimes to the other, at length answered positively, that they would not deliver up Marius. But soon after the soldiers were gone away, and out of sight, the sailors brought the vessel to an anchor, at the mouth of the Liris, where it makes a great marsh; and then they advised Marius to go on shore and refresh himself, till the wind should come fair, which, they said, would soon happen; for that when the sea-breeze fell, there generally arose a fresh gale from the marsh. Marius listened to their advice, and, when they had set him on shore, he laid himself down in a place not far from the sea, not in the least suspecting what was to befall him: for the mariners, presently after, weighed anchor, and sailed away, not thinking it excusable to deliver Marius into the hands of those who sought to destroy him, nor consistent with their own safety to protect him. Deserted thus by all, he lay a good while silent on the

ground; at length collecting the remains of his strength, he got up, and travelled along most disconsolately. After wading through bogs, and ditches full of water and mud, he at last stumbled upon an old man's cottage, who worked in the fens. Falling at his feet, he besought him to give assistance to a person, who, if he escaped the present danger, would make him returns beyond his expectation. The poor man, whether he had formerly known Marius, or was then moved, says Plutarch, with the majesty of his countenance, answered, "If you want only rest, you may repose yourself conveniently in my cottage; but if you are flying from an enemy, I will hide you in a more retired and secret place." Marius having desired he would do him that good office, the old man led him to a cave by the river side, and there covered him with reeds, and other light things, which would conceal, but not burden him. Scarce had he lain himself down, when he was disturbed by a great noise from the cottage. His enemy, Geminius, had sent horsemen from Tarracina in pursuit of him, and some of them happening to come that way, most severely menaced the poor old man, as one who had entertained and concealed an enemy of Rome. Marius, thinking himself in imminent danger, stripped off his clothes, and, leaving his concealment, plunged himself into a great pool of water. From thence his pursuers dragged him naked, and all covered with mud, and in that condition, carried him away to Minturnæ, where they delivered him into the hands of the magistrates. There had been published throughout all the towns of Italy a decree of the senate, importing, that search should be made for him, and that he should be put to death, if he were found. The magistrates, therefore, in obedience to this decree, cast him into prison, and sent a slave, belonging to the public, a Cimbrian by birth, to cut off his head: for none of their own citizens would undertake the office.

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Liv. Epit.
l. 77.

Vell. Pat.
Val. Max.

Plut. App.
et alii.

Cic. pro
Planc. c.

10. pro
Sext. c. 22.

Plut. in
Mar.

Several authors have reported, that Marius, seeing the slave enter the prison, said to him, with a strong voice, “Hast thou the audaciousness to kill Marius?” and that at these words, the Cimbrian instantly ran away into the town, and throwing down his sword before the people, cried out, “I have not the power to kill Marius:” nevertheless, it would seem, from certain passages in Cicero, that this story is an invention of some of the later writers. Be that as it will, the Minturnenses furnished Marius with a ship and provisions; he sailed first to Ænaria, where having found Granius, and the rest of his company, that had escaped thither, he, together with them, steered his course towards Africa. Want of water forced him to put in near Eryx, in Sicily. A Roman quæstor, who guarded that coast, fell upon Marius at his landing, slew sixteen of his men, and was near taking him prisoner. The illustrious fugitive, however, at length arrived in Africa, and went on shore near Carthage, in the hope that Sextilius, the prætor of that province, a man to whom he had done neither good nor harm, would, out of mere compassion, assist him in his distress. But scarce was he landed, when an officer from Sextilius forbade him to set foot in that country. and declared to him, that if he did not obey, he would be treated, conformably to the decree of the senate, as an enemy of Rome. Marius, struck with astonishment at this message, remained a considerable time without speaking a word, his eyes fixed upon the messenger. The man, at length, asked him, what answer he should carry back to the prætor: “Go tell him (said Marius), that you have seen Marius, an exile from his country, and sitting among the ruins of Carthage:” meaning by this (says Plutarch) to propose the fortune of that city, and his own fortune, as instructive lessons to the prætor. He went again on board, and wandered about in those seas, a great part of the winter. His son Marius, who had taken refuge in the court of Mandrestal (or,

as Plutarch calls him, Hiempsal), king of Numidia, came from thence, and joined his father.

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We left the younger Marius in Italy, at some farms belonging to Mucius, whither he had been sent to get necessaries for his father's voyage, the very day his father set sail from that country. While the son was busy in executing his commission, he had like to have been surprised by some troopers, who were in search of his father; but, by the care of Mucius's steward, who had notice of their approach, he was put into a cart covered over with beans, and conveyed to his wife at Rome. From thence, together with Cethegus, and some others, he made his escape in the night, went on board a ship, passed into Africa, and there implored the protection of the king of Numidia. Hiempsal treated him and his companions with great civility; but whenever they expressed an intention to depart, found some pretext or other to detain them, and it was manifest he made those delays with no good design. An accident contributed greatly to their preservation. The hard fortune of young Marius, who was very handsome, nearly touched one of the king's concubines; and this her pity was the beginning of her love, and a veil to cover it. At first he avoided all engagements with her; but, finding he had no other probable way of making his escape from Numidia, and that her passion was no less generous than violent, he returned it with kindness: and she, in requital, procured him and his friends the means of escaping. Having joined his father, they left Africa, and sailed for Italy, whither Marius, as was before mentioned, had been invited by Cinna. As soon as they landed, they set about raising soldiers. Marius proclaimed liberty to all slaves that would arm in his quarrel, and, in a short time, got together a considerable body of troops; which was soon after strengthened by five hundred of his party from Rome. He then sent a deputation in form to Cinna, offering to serve under him, and obey

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Plut. in
Sertor.

his orders as consul. All Cinna's officers, except Sertorius, were of opinion, that Marius should be received. Sertorius a great warrior, but prudent and moderate, and who dreaded the revengeful temper of Marius, remonstrated to Cinna, that, without the assistance of Marius, he was powerful enough to triumph over his enemies: that Marius, if received, would rob him of the glory and advantage of the war, and prove a troublesome and unfaithful partner in the government. Cinna owned all this to be very just and solid; but he added, "With what face can I reject a man, whom I myself have invited to join with me in the war?" To which Sertorius replied, "I thought Marius had come into Italy of his own accord, and therefore I only considered, what, in that case, was expedient to be done. But since he is here by your invitation, you ought not to have even deliberated, whether you are to receive and employ him. Your promise given precludes all consultation and uncertainty."

Plut. in
Mar.

Cinna hereupon wrote immediately to Marius, gave him the title of proconsul, and sent him the fasces, and other badges of that dignity. Marius would not accept of these honours: he said, they did not suit with his present misfortunes. From the day that he fled from Rome, he had worn an old robe, and neglected his hair and beard; and he walked slowly, like a man oppressed with calamities: but through the disguise of that doleful countenance, something was discerned so fierce, that he rather created terror, than moved compassion. After he had joined Cinna, they marched together, and encamped on the Tiber; Cinna and Carbo over-against Rome; Sertorius above it; and Marius lower down towards the sea. The last applied himself to cut off all provisions that were sent up the river to supply the city; and he possessed himself of several maritime towns; and, among the rest, of Ostia, which, having reduced it by force, he plundered, and massacred the greatest part of

App. de
Bell. Civ.
p. 391.
Plut. in
Mar.
Liv. Epit.
l. 79.
App. loc.
cit.

the inhabitants. Cinna sent a party of soldiers to take possession of Ariminum, that no assistance might be sent to Rome from Gaul. Appius Claudius, to whom the guard of Janiculum had been entrusted, received Marius and Cinna into the place; but they were driven out again by Pompeius Strabo, and the consul Octavius. Strabo being soon after killed by a flash of lightning,¹ the sole command of the army devolved to Octavius. The incapacity (says Plutarch) of this consul, was not so detrimental to the public affairs, as was his too scrupulous attachment to the laws: for when they advised him to set the slaves at liberty [in order to make soldiers of them, and prevent their going over to the enemy], he answered, that he could never give to slaves the privileges of that city, the gates of which he had, in obedience to the laws, shut against Caius Marius.

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sulship.

Plut. in
Mar.

About this time Metellus Pius, the son of Numidicus, arrived at Rome. He had lately commanded an army in Samnium, where the Social War was not totally extinguished; and the senate had desired him to make peace with the Samnites upon any honourable terms, and lead his forces to the defence of his country; but while he hesitated about granting the conditions insisted upon by the enemy, Marius yielded to all their demands, and they joined themselves to his party.

App. loc.
cit.

At Rome, the soldiers of Octavius deserted him, and offered their service to Metellus, who was much the better general; but, upon his reproving them roughly, and ordering them back to the consul, they went over to Cinna.

Plut. in
Mar.

Marius, in the meantime, reduced Antium, Aricia, Lanuvium, and several other towns, where the Romans had magazines of provisions. After this, the confederate generals drawing nearer to Rome, Octavius, Crassus, and Metellus, marched out to oppose them,

Appian,
p. 392.

¹ Vell. Pat. reports, that the plague raged in both armies. He adds, that the joy for the death of Pompeius was almost balanced by the grief for the loss of so many citizens as died by the sword, or the pestilence.

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666.
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sulship.

Diod. Sic.
ap. Val.
Vell. Pat.
l. 2. c. 22.
App. p.
393.

Plut. in
Mar.

but did not think it advisable to trust the safety of their country to the hazard of a battle. Cinna having proclaimed liberty to all the slaves in the city, who should join him, they flocked to him from thence in crowds. The senate terrified hereby, and fearing the discontent of the people, who suffered greatly through want of provisions, sent deputies to Cinna, to negotiate a peace. His first question to them was, whether they had a commission to treat with him as consul, or as a private person: and they not giving him a satisfactory answer, could effect nothing. After their return to the city, Cinna advanced and encamped under the walls. Multitudes went over to him, some through fear of famine, others because they favoured his cause, and his nearness gave them an opportunity to escape. The senate, unwilling to depose Merula, who had been appointed consul in the room of Cinna, were in great perplexity. But Merula, that he might be no hindrance to the public tranquillity, voluntarily laid down his office: and the senate immediately dispatched new deputies to Cinna, with orders to acknowledge him as consul.^r They required no other condition of peace, but his taking an oath, not to put to death any of the citizens. He refused to swear,^s but gave them his promise, that none should be slain with his knowledge, or consent; and even desired that the consul Octavius might leave Rome, lest some misfortune should befall him. Marius was standing next to Cinna's tribunal. He did not speak a word, but the gloominess of his countenance, and the malice that appeared in his eyes, sufficiently prognosticated, that he would soon fill the city with slaughter.

Shortly after this conference, Cinna entered Rome, surrounded with soldiers, but Marius stopped at the gate, saying angrily, “that he was an exile, and for-

^r According to the Epitome of Livy, (l. 80.) the nobles, forced by the incapacity and treachery of the generals and soldiers, who, corrupted by money, either would not fight, or went over to the enemy, received Cinna and Marius into the city.

^s Appian says, that both Cinna and Marius took an oath not to kill Octavius.

bidden by the laws to enter the city : if, therefore, they wanted his presence, they must reverse the decree of his banishment." The people accordingly were assembled ; but scarce had three or four of the tribes given their votes, when he, throwing off the mask, entered the city with his guards : a band of about 4,000 of the stoutest slaves, whom he had chosen to be ministers of his cruelty. Instantly the gates were shut, that none might escape, and a slaughter ensued, as in a town taken by assault. C. and L. Julius, with many other considerable senators, were murdered ; and, among the rest, Antonius, the orator, whose head Marius caused to be fixed upon the rostra. The consul Octavius was slain on his tribunal. Ancharius, a man of prætorian rank, coming to pay his compliments to Marius, was murdered by the guards, because their general took no notice of him ; and from that time those slaves made it their practice to murder every man whose salutation Marius did not return : so that even his friends never approached him but with terror.

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365th con-
sulship.

Dio. Cass.
ap. Vales.
p. 642.

Liv. Epit.
l. 80.

App. loc.
cit.

Plut. in

Mar.

Vell. Pat.

l. 2. c. 22.

Cic. Tusc.

Quæst. l. 5.

c. 19. et de

Orat. l. 3.

c. 3.

Cic. post.

red. ad

Quir. c. 8.

In the midst of these murders, Marius assembled the people, and made a speech to them (Cicero tells us, he was himself present, and observed, that the old soldier, far from being dispirited by his adversities, seemed to have the strength of his mind renewed). When he had recounted the series of his late sufferings, he told the people, that, being now restored to his dignity, and having recovered all that he had lost, it should still be his principal care to preserve that courage and virtue which he had never lost.

After the first fury of slaughter, the tyrants resolved to proceed against some of their enemies, by way of trial. Merula, to avoid an unjust sentence, caused his veins to be opened. As he was priest of Jupiter, it was not lawful for him to die with the mitre on his head : he therefore left a writing behind him, signifying that, before his death, he had put off that sacred ornament.

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sulship.

Plut. in
Mar. et in
Sertor.

Catulus, the colleague of Marius in the Cimbrian war, smothered himself with the vapour of charcoal. It is reported, that Marius, when the friends of Catulus interceded for him, made no answer but, "He must die, he must die."

Some authors say, that Cinna began to cease his cruelties; but that Marius, growing daily more thirsty of blood, proceeded to destroy every man of whom he had the least suspicion; till at length Cinna and Sertorius, having surprised, and surrounded with soldiers, the murderous guards of Marius, put every man of them to death.

Many of the nobles fled to Sylla, then in Greece: his wife and children likewise, with some difficulty, escaped to him, and he learnt from them, that his enemies had burnt his house, and ravaged his lands.

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sulship.

Liv. Epit.
l. 80.
Vell. Pat.
l. 2. c. 23.

When the time came for choosing supreme magistrates, Marius and Cinna declared themselves consuls, without so much as the form of assembling the *comitia*. On the day of their inauguration, Marius caused a senator, named Sex. Licinius, to be thrown from the Tarpeian rock. His own death soon after put a stop to his cruelties. He died, according to the most probable account, of a pleuretic fever, on the 13th of January, about the seventy-first year of his age.

Cic. pro S.
Ros. c. 12.
Val. Max.
l. 9. c. 11.
§. 2.
Vid. Pigh.
ad Ann.
667.

To grace his funeral, C. Fimbria (at this time quæstor urbanus) ordered Q. Scævola (the pontifex maximus) to be put to death; and hearing afterward that he might recover of the wound he had received, summoned him to take his trial before the people. When somebody asked Fimbria, "Of what crime he could accuse so good a man?" he answered, "Of not having received in his body the whole of the weapon with which he was stabbed."

CHAP. XI.

Valerius Flaccus, associated by Cinna in the consulship for the remainder of the year 667, is likewise appointed by him to succeed to Sylla's command in Asia.

An account of the progress of Mithridates, after his defeating the three Roman generals in 665. The arrival of Sylla in Greece in 666. He there vanquishes the armies of Mithridates.

Sylla passes into Asia, and concludes a peace with the king of Pontus, in 668; returns into Greece in 669 (being the fourth consulship of Cinna, and the third year of his holding that magistracy by usurpation). From Athens, Sylla writes a menacing letter to the senate, who had suffered him to be declared an exile, and to be loaded with other injuries and indignities. In 670, he lands in Italy, totally subdues the Marian faction, and proscribes those of his enemies who had escaped his sword; and, in 671, he is constituted perpetual dictator.

ON the death of Marius, Cinna chose L. Valerius Flaccus to be his colleague in the consulship, appointing him to succeed Sylla in the conduct of the war against Mithridates,^t and giving him Fimbria for his lieutenant.

We left Mithridates, in 665, victorious over the Roman armies in Asia Propria, and master of all that country, and the islands adjacent, except Rhodes. This prince, a second Hannibal in his hatred to the Romans, dispatched circular letters throughout Asia, directing, that the people, on a certain day, should massacre all the Italians that were in that country; men, women, and children, freemen, and slaves: and that the effects of the slain should be disposed of, part to his own treasury, and part to the assassins; and he forbade the people under pain of death, to spare the life of any Italian, or to bury him, when dead. Fourscore thousand^u of that nation perished in this massacre; and the cruelty, with which the Asiatics executed the vengeance of Mithridates, shewed plainly (says Appian) that they were actuated more by hatred to the Romans than fear of the king.

After this he attacked Rhodes, by sea and land, with all his forces; but miscarried in the enterprise.^x To

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App. p.
396.

Vid. supr.
p. 171.
Id. l. 2.

c. 18.
Cic. pro L.
Manil. c. 3.
App. in
Mithrid.
p. 185.

Val. Max.
1. 9. c. 2.
App. in
Mithrid.
p. 186.

Cic. 2. in
Verr. c. 65.

^t The king of Pontus, by seizing the effects of the publicans, and of all other Italians in Asia, had occasioned an almost universal bankruptcy in Rome. Valerius, before he set out upon his expedition, published a law, importing, that the debtors should not be obliged to pay to their creditors more than one quarter of the principal sums they owed. Cic. pro L. Manil. c. 7. Vell. Pat. l. 2. c. 23.

^u Plut. (in Sylla) makes the number amount to 150,000.

^x Cic. (loc. cit.) tells us, that notwithstanding the Rhodians were besieged by

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sulship.

App. in
Mithrid. p.
186. et seq.
Plut. in
Sylla.

hinder the Romans from entering Asia, he resolved to transport the war into Europe. With this view he sent his youngest son (called by some Arcathius, by others, Ariarathes) with a powerful army, through Thrace into Macedon. Archelaus, the ablest of his generals, he commissioned to go with a fleet to Greece, in order to bring over to his party the people of that country, either by persuasion or force; and dispatched Metrophanes, another of his generals, into Eubœa, and to the sea-coast of Thessaly.

Posidon.
ap. Athen.
5. 13.

The Athenians (we are not told for what cause) had been condemned to a fine by the Romans, and their magistrates forbidden to exercise their functions: and Aristion, an epicurean philosopher, whom they had sent on an embassy to Mithridates, being gained by that monarch, had exhorted them to side with the king; assuring them, that the popular government should be restored, and that not only the public would be benefited, but private persons would reap great advantages from the alliance of so powerful and so generous a prince. The people, dazzled with these prospects, gave a favourable answer, and the chief men of the city finding themselves unable to restrain the madness of the multitude, passed into Italy, and took refuge in Rome.

Cic. in
Brut. c. 89.

App. Mi-
thrid. p.
188.
P. 189.

Archelaus subdued the island Delos, which had revolted from the Athenians, slew there 20,000 men, most of them Italians, and plundered the temple of Apollo.^y The island he restored to the Athenians, and deposited in their city the booty he had taken. But, under pretence of guarding it, he sent along with it 2,000 soldiers, by whose assistance Aristion assumed to himself the chief power in Athens, and put to death, or delivered up to Mithridates, all the citizens that adhered to the Romans. Archelaus likewise brought over to his mas-

Mithridates, and that they particularly hated him; yet they did not demolish a statue which they had formerly erected to him in the most conspicuous part of their town.

^y Pausanias (in Lacon. c. 23.) ascribes these actions to another of Mithridates's generals, named Menothanes.

ter's interest the Achæans, the Lacedemonians, and the Bœotians, and reduced the Cyclades, and all the other islands, as far as the promontory of Malæa. At the same time Metrophanes landed in Eubœa, and, soon after, pillaged the territories of Demetrius and Magnesia. Some say, that Bruttius Sura, the lieutenant of Sentius, prætor of Macedon, not only attacked Metrophanes, and drove him out of the country, but gained three victories over Archelaus (or, according to some, fought with him three days successively with equal advantage), and forced him to confine himself to his fleet.

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Plut. in
Sylla.

Sylla (in the year of Rome 666) arrived in Greece with five legions and some Italian cohorts. Having received supplies of men and money from Ætolia and Thessaly, he marched into Attica against Archelaus. In his way, almost all the Bœotians submitted to him, with the same readiness they had declared for Mithridates. Soon after, the other towns of Greece, except Athens, dispatched deputies to him, offering to put themselves under his protection. Lucullus, whom he had sent before him, obliged Sentius to retire into Macedon; and the general, on his arrival, left part of his forces to besiege Athens; while he himself went to attack the Piræus (the port of that city), where Archelaus had shut himself up.

App. p.
190.

Plut. in
Sylla.

Athens was divided into two parts: the one called Cecropia, from its founder Cecrops; the other Athens, from the Greek* name of Minerva, its protectress. They were separated only by a wall, and one common rampart enclosed them. On the west side of the city ran the Cephissus; on the east the Ilissus. Phalerum had been anciently the port of Athens, till the time of Themistocles, who, finding a bay near the Cephissus, more large and commodious, built there the port Piræus. Pericles raised walls about it forty cubits high, and of a very extraordinary thickness; and on each side the road, five miles in length, between it and the city, he built a

Plin. l. 7.
c. 56.

* Αθήνη.

Cor. Nep.
in Them.
App. Mi-
thrid. p.
190.

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Plut. in
Sylla.

strong wall. Athens had also another port, called Munychia, less than the Piræus : it was nearer the town, encompassed with the sea, and well fortified.

Sylla, at first, thought to carry the Piræus by assault: but being repulsed by Archelaus, he retired to Eleusis and Megara, between Athens and Corinth, in order to build towers and engines for carrying on the siege in form. For this work, he cut down the sacred woods about Athens, and the trees of the fine walks belonging to the academy,^z and the Lyceum. He demolished the long walls that joined the Piræus to the city, and turned them into ramparts, upon which he erected his engines.

So great were his preparations, that, for the service of the engines alone, he kept 20,000 mules constantly employed. And, as he wanted large sums of money for carrying on the war, he sent to the council of the Amphictyons, or deputies, from the states of Greece, then assembled at Delphi, and desired they would send him the riches of Apollo's temple in that place; adding that the treasure would be safer with him, or, if he should be obliged to make use of it, he would take care to return the value. To receive this treasure by weight, he sent one of his friends, named Caphis, who, being unwilling to violate the holy place, wrote to Sylla, that, on his arrival at Delphi, the sound of Apollo's lyre had been heard from the sanctuary: thinking to terrify the general with an apprehension of the anger of the god. The proconsul returned answer, that he much wondered Caphis had not made the just reflection on what had happened: that music was a sign of joy, and not of anger: that therefore, he might boldly take away the treasure, and be well assured that the god was kind, and offered it. It was accordingly delivered up to Caphis, nor did the inhabitants of Olympia and Epidaurus dare

^z The academy was a part of the Ceramicus without the city, from which it was distant about six furlongs. It was the place where Plato and his followers held their lectures. Hipparchus, the son of Pisistratus, surrounded it with a wall. The Lyceum was situate on the banks of the Ilissus, and sacred to Apollo Λυκῆϊος, from whence it had its name. There Aristotle and the Peripatetics taught.

to refuse him the consecrated treasures in the temples of Jupiter and Æsculapius.

Sylla, having finished his works, renewed the siege of the Piræus. Archelaus neglected nothing that could conduce to the defence of the place, or to the annoyance of the besiegers. Upon the walls he erected moveable towers, equal in height to those used by Sylla; sent for a reinforcement of troops from Chalcis, and the Greek islands; armed the mariners of his fleet; and, in a general sally by night, repulsed the Romans, and burnt one of their galleries (they had but two), with all its appurtenances. Sylla punished some of the cohorts, which had given ground, by obliging them in the next engagement to fight in the van, without shoes, and with their clothes ungirt; and as for the damage done to the engines, it was repaired in ten days' time. Archelaus therefore made a second eruption upon the works. The attack was brisk, but by the obstinate resistance of those cohorts, which had recoiled in the last action, and by the singular bravery of Muræna, a legionary tribune, the Asiatics were at length forced to retire, after a loss of near 2,000 men. Their general stayed so long without the gates, endeavouring to stop the runaways, that he was shut out, and had been taken prisoner, if the besieged had not expeditiously drawn him up by a cord to the top of the wall.

Winter now came on, which obliged Sylla to abate somewhat of his ardour, and retire to Eleusis. The siege, however, was continued, and frequent skirmishes happened between the Romans and the Asiatics.

All this while Athens was so closely shut up, that it could receive no supplies of provisions, and there was a great scarcity in the town. Aristion, nevertheless, spent his time in debauchery and feasting with his companions, and is said to have railed from the walls at the proconsul and his beloved wife Metella. Archelaus had plenty of every thing in the Piræus, because he commanded the

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App. p.
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Frontin.
Stratag.
l. 4. c. 1.
§. 27.

App. p.
192.

Plut. in
Sylla.

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sulship.

Plut. in
Lucull.
App. loc.
cit.

App. Mi-
thrid. p.
193.
Liv. Epit.
l. 81.
App. loc.
cit.

App. p.
194.

harbour ; and Mithridates's fleet commanding the seas frequently cut off Sylla's provisions. To remedy this evil, the Roman sent his quæstor Lucullus with five ships, in the middle of winter, to Rhodes, and the east, to get together a fleet. The Rhodians durst not put to sea, for fear of meeting with the ships of Mithridates ; the quæstor therefore sailed to Egypt, to ask assistance of Ptolemy ; but the king would enter into no alliance with Sylla, lest he should thereby draw the war into his own country. Lucullus, however, was furnished with a considerable number of ships from the maritime towns of Syria.

It has been already mentioned, that Mithridates sent his youngest son with an army through Thrace into Macedon. The young prince, joined by a multitude of Thracians, drove out of the last-mentioned country the few Romans he found there, subdued it totally, and then marched to oppose Sylla ; but died, on the way, at Tiddæum. The approach of this army made the proconsul redouble his efforts to reduce Athens and the Piræus. Archelaus made repeated attempts to supply the city with provisions ; but the Romans never failed to disappoint him : for they had always timely notice of his designs. Two slaves in the Piræus, either out of inclination for the Romans, or from a view to their own safety, wrote the resolutions of the besieged on balls of lead, which they threw by slings into the enemies' camp. The Asiatic general, finding the Romans always ready, concluded he was betrayed. To draw the best advantage, therefore, from the treachery, he caused a sally to be made upon the besiegers, at the same time that he sent out a convoy of provisions for Athens. The success answered his expectation : Sylla became master of the convoy ; but the garrison burnt several of the Roman engines. The rest of the Roman works Archelaus endeavoured to destroy by sap, but his purpose being discovered by the tottering of one of the engines, the

Romans immediately withdrew it, and filled up the hollow. After this example, they fell to sapping in their turn, and the pioneers of the two parties frequently met, and fought under ground. At length the besiegers found means to undermine the wall in several places; but supported it with timbers, from which timbers, to the entrance of the mine, they laid a train of sulphur, pitch, and other combustible matter. After this, when they had made a breach above with their battering rams, Sylla led his men to the assault, ordering fire to be put to the combustible matter in the mine. Very soon the wall came tumbling down in several places; and, during the consternation of the besieged, the Romans lodged themselves in the breaches, and burnt one of Archelaus's towers. But he, encouraging his soldiers, and bringing fresh men to succeed those who had given away, made so obstinate a defence, that all the bravery and skill of Sylla proved ineffectual to get possession of the place. The Roman, after a long attack, sounded a retreat, in order to give his weary troops some repose. The garrison, in the night, built up another wall, not exactly on the foundations of the old one, but in the form of several crescents; the horns projecting towards the enemy. Next day Sylla attempted, with all his forces, to destroy this work; imagining it might easily be done, while new and unsettled. However, he met with so warm a reception, from the garrison, especially that part of it which defended the horns of the crescents, and galled his flank, that he was forced to give over his enterprise. And being, doubtless, convinced, that it was impracticable to take the Piræus with the troops he then had before it, he contented himself with keeping it blocked up on the land side, and turned his chief efforts against Athens; purposing, when he should be master of the city, to bring more forces to the attack of the port.

The city was already in the utmost distress for want of provisions. Aristion alone, and the companions of

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Sylla.

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sulship.

Dio. Cass.
ap. Vales.

Plut. in
Sylla.

his tyranny, enjoyed plenty, while the citizens were reduced to feed upon horses, dogs, boiled leather, and the herbs that grew on old walls. The tyrant had even the inhumanity to insult the people in this extremity, to which he himself had brought them. He refused to give a little oil, to supply the sacred lamp which fed the perpetual fire in Minerva's temple; and when the high priestess desired of him, in her great indigence, half a bushel of barley, he sent her, in derision, that quantity of pepper. The excessive misery of the Athenians constrained them to petition their tyrant, that he would come to an accommodation with the Romans. Their priests and senators, in a body, went to him with this request, but he insolently caused them to be driven from his presence with blows. However, when at length Sylla appeared before the town, Aristion, seeing no way to escape, was prevailed upon to send a deputation to him. The men he chose for that commission were two or three of the companions of his debauchery. These, when admitted by the proconsul to an audience, instead of making any proposal tending to the preservation of the city, began a pompous harangue in praise of Theseus and Eumolpus, and the exploits of the Athenians against the Persians. Sylla, tired with their impertinence, bade them be gone with their rhetoric; adding, "the Roman people have not sent me hither to school, but to punish rebels."

During this conference, some old men of the Athenians were overheard, in the Ceramicus, without the city, blaming the tyrant for neglecting to guard a weak part of the wall, opposite to a place, called the Heptachalchos. The Roman general being informed of this, went to view the wall; and, finding the place accessible in that part, made an assault in the night of the 1st of March, and succeeded.

No sooner was he master of the town, than, by his order, the soldiers put to the sword all the inhabitants

that fell in their way, without distinction of sex or age. Such a quantity of blood was spilt in the streets, that it flowed out of the gates. Many of the Athenians, believing their native city was going to be destroyed, killed themselves, that they might not survive its ruins. Aristion, with some of his adherents, retired into the citadel; but it was not long before want of water constrained him to surrender at discretion. The first fury against the Athenians being now abated, Sylla, at the request of Midias and Calliphon, two Athenian exiles, and of all the Roman senators in his camp, spared the rest of the citizens, saying, that “he pardoned the living for the sake of the dead;” meaning the great men which Athens had produced. Nevertheless, he deprived the Athenians of the privileges of choosing their own magistrates, and making laws. He also condemned to death Aristion, together with his counsellors, his generals, and all the ministers of his tyranny; but the execution of the tyrant was deferred till another time.

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sulship.

App. Mi-
thridat. p.

195.

Plut. in
Sylla.

The Piræus still remained to be reduced. Sylla led all his forces against it, and Archelaus defended it, with his wonted courage and ability. According to Florus, Sylla beat down the wall six times, and Archelaus as often restored it. Necessity, however, at length compelled the brave Asiatic to abandon the place: and he then retired to the port of Munychia. The Romans demolished the fortifications of the Piræus, and burnt the storehouses, together with the magnificent arsenal built by Philo.

App. Mi-
thridat. p.

196.

Flor. l. 3.
c. 5.

Archelaus soon quitted Munychia, and went into Bœotia, and from thence into Thessaly. There he assembled all the Asiatic troops that were in Greece, and sent for the army of Archathius, now under Taxiles, to come and join him. Taxiles obeyed, and Archelaus took upon him the chief command of all the forces, which consisted of 100,000 foot, 10,000 horse, and 90 chariots of war. Sylla, from Attica, marched into Bœ-

App. loc.
cit.

Plut. in
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App. p.
197.
Plut. in
Sylla.

otia, to meet the enemy. This he was blamed for, because the vast plains of Bœotia were much more convenient for the cavalry and chariots of the barbarians, in which their chief strength consisted, than the rough and rocky country about Athens. But Sylla wanted provisions; and Attica, naturally barren, and now ruined by war, could not subsist his army. Besides, he was in anxiety for a body of troops, which, by his order, Hortensius was bringing to him from Thessaly. Hortensius, under the guidance of Caphis, escaped the enemy, who endeavoured to intercept him; and, passing over Mount Parnassus, joined Sylla at the foot of it. Plutarch says, the proconsular army consisted of no more than 15,000 foot, and 1,500 horse. According to Appian, it did not amount (auxiliaries included) to a third part of the Asiatics. Sylla posted himself on an eminence in the middle of the plains of Elatea, and in sight of the enemy. Archelaus, notwithstanding his superiority of numbers, did not think it prudent to hazard a general action; nevertheless, being prevailed upon by the pressing instances of his officers, he drew out his forces, and offered battle. The Roman general would have accepted the challenge; but could neither by remonstrances, nor entreaties, spirit up his men to fight; they were so terrified at the sight of the enormous multitude of the barbarians.^a These, on the other hand, despising their enemies, quitted their camp in large companies, without leave of their commander, and went roaming about the country to pillage. Sylla, in the mean time, employed his soldiers in the most laborious and difficult works; that he might bring them to demand the fight, rather than submit to such drudgery. After three days, they called out to be led to battle. Sylla answered, “You are only weary of labour: if you really desire to fight, arm yourselves immediately, and seize that post;” pointing to a steep rock at the

^a According to Appian, Archelaus, so soon as the two armies came near enough to each other, offered battle, and Sylla declined it.

confluence of the Cephissus and Assus. Archelaus had already detached a body of his troops to take possession of that rock. The Romans obeyed their general, and, by their diligence, prevented the enemy. On this disappointment the Asiatics decamped, and marched to Chæronea, thinking to surprise it; but Sylla again prevented them, and threw into the town a Roman legion, under the command of Gabinius. Archelaus encamped in the neighbourhood of Chæronea, in a place difficult of access, and overlooked by a steep hill, called Thurium; where he posted a large detachment. The Roman general followed him, and soon after sent off a party of soldiers under the guidance of some Chæroneans, to dislodge the enemy from Thurium. In the meantime, he drew up his forces in order of battle, and Archelaus did the like. While the two armies stood fronting each other, the Roman detachment, which, by a private road, had mounted unseen to the top of the hill, drove from it the Asiatics, who, in their flight, falling in among their own men, put them into disorder. Instantly Sylla advanced, and with so much diligence, that he allowed no opportunity, no space, for their chariots to act. Their efforts were so weak, that, according to Plutarch, the Romans, who had easily repelled them, called out for more, as they used to do at the chariot races in the circus. The historians have left us a very confused description of this battle: the victory they unanimously ascribe to Sylla. Of the numerous forces of Archelaus, we are told, that only about 10,000 escaped with their general to Chalcis; but what is yet more incredible, Plutarch, Appian, and Eutropius, make the loss on the side of the Romans to amount, the first to twelve, the second to thirteen, and the last to fourteen men. It would seem, that Sylla invented this fable himself: for in some memoirs of his, quoted by Plutarch, he wrote, that, after the battle, he missed only fourteen of his men, two of whom returned to the camp before night.

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Plut. App.
Liv. Epit.
Eutrop.

Plut. in
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App. Mi-
thrid. p.
204.

Plut. in
Sylla.

Fontin.
Stratag.
l. 2. c. 3.
§. 17.
App. Mi-
thrid. p.
202.

In honour of this victory, he celebrated musical games at Thebes, and sent to the neighbouring towns for judges, to determine to whom the prizes should be given; for such was his hatred to the Thebans, that he would admit none of them to be judges; and what doubtless they felt more severely, he took from them half their lands, and allotted the produce to the payment of the money of which he had robbed the temples of Jupiter and Apollo.

Scarce were the games over, when he received intelligence, that the consul Valerius Flaccus was crossing the Ionian sea with an army, in order to divest him of his authority, and assume the conduct of the war against Mithridates. The proconsul marched directly to oppose him, and in Thessaly was joined by some troops, which Valerius had sent before him to take possession of that country. Hearing of this defection, the consul sailed to the Hellespont, with a view to pass that way into Asia. At the same time Sylla turned his arms against Dorylaus, one of Mithridates's generals, who had just entered Greece at the head of 80,000 men, and was ravaging Bœotia in conjunction with Archelaus. The latter endeavoured to dissuade Dorylaus from hazarding a pitched battle with the Romans, but with little effect, till some unsuccessful skirmishes convinced him, that his colleague judged rightly. They then retired before the enemy, and encamped near Orchomenos, in a vast plain watered by the river Melas, which, at a little distance, spreads itself in several muddy marshes covered with reeds. So advantageous a situation induced the Asiatics to venture a battle. Sylla took measures to render this advantage useless to them. That he might not be surrounded, and that he might secure his wings, he caused several broad trenches^b to be dug in the plain, and at the extremities of these trenches raised little forts to defend the approaches.

^b According to Plutarch, Sylla drew those trenches to enclose the enemy between him and the marshes, so that they might not have room to employ their numerous cavalry, and their endeavour to hinder the works brought on the battle.

On the day of battle, the Asiatics ranged their chariots in the front; their phalanxes in the second line; the auxiliaries and Italian deserters (all armed after the Roman manner) in the third line; and their light troops in the rear: their numerous cavalry were placed on the wings.

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Sylla drew up his infantry in three lines, leaving spaces between the battalions, that the cavalry, which he posted in the rear, might have room to advance to the charge. Before the second line, he caused a great number of stakes to be fixed in the ground, to stop the progress of the chariots; and gave orders to the soldiers of the first line to retire behind those stakes, when the chariots approached. Victory declared for Sylla. Having killed 15,000 of the enemy, he pursued the rest to their camp and forced it. We hear no more of Dorylaus. As for Archelaus, we are told, that he hid himself two days in the marshes, and then found a bark which carried him to Eubœa, where he assembled all the Asiatic troops that remained in Greece.

App. p. 203.

Mithridates, in the meantime, by his cruelties in Asia, had occasioned Ephesus, Tralles, and several other cities, to revolt from him. Those which he reduced by force, he punished with great severity; but fearing a general defection, he proclaimed liberty to the Greek cities, remitted to the debtors the payment of what they owed to their creditors, and gave to all slaves and strangers the freedom of the cities in which they lived. Hearing of the defeat of his army at Orchomenos, he sent orders to Archelaus to make peace with Sylla, on the best conditions he could obtain. Archelaus immediately dispatched a messenger to propose a treaty. Sylla very willingly consented; for he had neither ships nor money to carry on the war; and longed impatiently to be in Italy, that he might revenge himself upon his enemies, who tyrannized in that country.

P. 202.

P. 206.

Cinna, without the formality of holding the *comitia*,

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Liv. Epit.
l. 83.
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had declared himself consul for the third time, and appointed Cn. Papirius Carbo to be his colleague in that office.

The Asiatic general, knowing these things, proposed, in a conference which ensued, that Sylla should leave Mithridates in possession of Asia and Pontus, and return to Italy, there to put an end to the civil war; to which end, the king, he said, would supply him with men, money, and ships. On the other hand, Sylla advised Archelaus to desert Mithridates, deliver up his fleet to the Romans, and declare himself king in his stead: on which condition he offered him the title of friend and ally of the senate and people of Rome. Archelaus expressing his detestation of such treachery, Sylla replied, "If you, a Cappadocian, and the slave, or, if you will, the friend of a barbarian king, refuse for so great a reward to commit a base action, how dare you make treasonable proposals to a Roman general—to Sylla? Have you forgot that you are the same Archelaus who fled from Chæronea with a handful of men, the remains of 120,000 soldiers? that you afterward hid yourself two days in the marshes of Orchomenos, and that Bœotia is now rendered inaccessible by the heaps of your slaughtered troops, with which its plains are covered?"^c Archelaus, then changing tone, begged of the Roman to

^c Appian gives a different account of this conference. According to him, Archelaus thus addressed Sylla: "King Mithridates, who inherits his father's friendship for Rome, was compelled to make war against her by the covetousness of other generals, whom she employed; but now having had experience of your virtue, he sues to you for peace, provided you require nothing but what is equitable."—Sylla answered, "Mithridates ought first to have sent ambassadors to complain of injuries; but instead of that, he injuriously invaded the territories of other powers, slaughtered multitudes of people, plundered the public treasures, and the temples, and seized the possessions of the slain. Nor has he acted with more fidelity or moderation, with regard to his own friends, than to us. Many of those he has put to death without cause. And he discovered an inveterate hatred to us, not any necessity of making war, when he exercised all manner of cruelties upon the Italians of Asia, without distinction of sex or age. Such was the hatred of this hereditary friend of Rome to the Roman name: nor did he think of that friendship, till I had destroyed 160,000 of his men. Equity, therefore, does not demand, that we should receive him into an alliance; yet, for your sake, I promise that the Romans shall forgive him, if he sincerely repents. But, if he still dissembles, I advise you, Archelaus, to reflect upon the present situation of his affairs, and of your own; and to consider, how he uses to treat his friends, and how we acted towards Eumenes and Masinissa."

Archelaus, offended at this intimation, replied with heat, "Peace may be concluded upon reasonable terms; I will never betray the forces intrusted to me."

grant peace to Mithridates. Sylla consenting, these terms were agreed upon :

The king was to relinquish Asia and Paphlagonia ; give up Bithynia to Nicomedes, and Cappadocia to Ariobarzanes ; pay the Romans 2,000 talents for the expenses of the war, and deliver to them seventy galleys with all their rigging.

On the other hand, Sylla was to confirm Mithridates in possession of his other dominions, and procure him the title of friend and ally of Rome.

These articles were sent without delay to the king of Pontus, to be by him ratified. Then Sylla set out for Macedon, in his way to the Hellespont, and took with him Archelaus, who falling sick at Larissa, he stopped the march of the army to wait his recovery, expressing the same tender regard for him, as if he had been his colleague, or his intimate friend. He also gave him 10,000 acres of land in Euboea, and honoured him with the title of the friend and ally of Rome ; and though the proconsul set at liberty all the other prisoners that were friends of Mithridates, yet he put to death Aristion, because he was at enmity with Archelaus. Such extraordinary kindness to this general raised a suspicion, that he had betrayed the Asiatics at the battle of Chæronea. Mithridates himself, in a letter to Arsaces, king of the Parthians, speaking of these times, says expressly, that Archelaus, the most unworthy of his servants, had ruined his affairs, by betraying his army. The easy victory which the Romans obtained, at Chæronea, over the numerous forces of Archelaus, who had fought so bravely in Asia, and so stoutly defended the Piræus ; his giving battle in a place where his troops had not room to act ; and Sylla's dexterity in corrupting his adversaries with money (an art to which his success in war seems to have been chiefly owing), make the story of Archelaus's treachery not improbable.

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Liv. xlv.
l. 83.
Plut. in
Sylla.

Frag. Sal-
lust. l. 5.

According to Appian (Mithrid. p. 214.) the king growing jealous of Archelaus, as if in the treaty of peace he had yielded too much to Sylla, the Cappadocian, there-

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Plut. in
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Whilst the proconsul stayed at Larissa, ambassadors from Mithridates arrived there, and informed him, that their master approved of all the other articles of the treaty, but would by no means part with Paphlagonia, or the seventy galleys demanded. To this Sylla, in great anger, "What! Mithridates refuses to give up Paphlagonia and the ships! He, who I thought would have fallen at my feet, and thanked me for leaving him that right hand, with which he has massacred so many Roman citizens! He'll speak in another tone, when I am in Asia. At present let him sit at Pergamus and form projects for a war which he has not seen."

The ambassadors, confounded, did not answer a word; but Archelaus, taking Sylla by the hand, begged of him to moderate his anger. At length he obtained leave to go to the king, promising to return with the ratification of the treaty, or to kill himself in his master's presence.

App. Mithr.
p. 207.
Plut. in
Sylla.

In the meantime, Sylla, to keep the troops in exercise, and enrich them with spoil, turned his arms against the Medi and Dardani, nations bordering upon Macedon; and pillaged their country.

App. loc.
cit.
Liv. Epit.
l. 83.
Dio. Cass.
ap. Vales.

Archelaus, at his return, acquainted the proconsul, that the peace would be concluded on the terms he had proposed, but that Mithridates earnestly desired a conference with him. The reason why the king desired this conference, was to procure the assistance of Sylla against Fimbria, who made war upon him with great vigour.

Fimbria, a good soldier, but an execrable villain, had (as was before mentioned) been, by Cinna, appointed lieutenant to Valerius Flaccus, a man extremely covetous, and disagreeable to the soldiers. The last year, when the army arrived in Asia, Fimbria, on occasion of

upon, deserted to Muræna (whom Sylla had left at the head of the Roman forces in Asia), and persuaded him to renew the war against the king of Pontus.

Plutarch likewise (in Lucull.) says, that Archelaus deserted to the Romans.

The report of the ambassadors, according to Appian, was, that Mithridates consented to every thing but the cession of Paphlagonia; and they added, "That the king could have obtained better terms from Fimbria" (then at the head of the forces which the Marian faction had sent into Asia under Valerius Flaccus.) Sylla, angry at the comparison, answered, "Fimbria shall be punished; and when I come into Asia, I shall see whether Mithridates chooses peace or war." App. Mithrid. p. 207.

a quarrel between him and the quæstor, was displaced by Valerius, and his office given to the quæstor. M Fimbria resenting this, stirred up the soldiers to sedition, murdered the general, and put himself at the head of the forces. He afterward defeated in battle one of Mithridates's sons, forced the king himself to quit Pergamus, and then besieged him in Pitanes, a maritime town, whither he had fled. At this time, Lucullus, Sylla's quæstor, returning from Syria with a fleet, Fimbria sent to him, desiring he would block up Pitanes by sea, and share the glory of finishing the war, by taking the king of Pontus prisoner; a glory which, he said, would far outshine the boasted victories of Sylla, at Chæronea and Orchomenos. It is said, that Lucullus, either unwilling to act without authority from his general, or to enter into a confederacy with so infamous a man as Fimbria, refused to join in the enterprise, and gave the king time to make his escape. Be that as it will, Mithridates got safe to Mitylene in Lesbos.

After the king's flight, Fimbria ravaged the country at pleasure, committing every where excessive cruelties. The inhabitants of Ilium, fearing the same treatment with their neighbours, surrendered themselves to Sylla, by deputies whom they sent to him: whereupon he sent to Fimbria not to attempt any thing against that town. Fimbria, nevertheless, having by force or fraud got admission into the place, put all the inhabitants he met with to the sword, demolished the walls, and burnt the houses. Next day he went round it, to see that nothing was left standing.² It is also said that he put to death, by torture, the messengers whom Sylla had sent to him.

To reduce this violent outrageous enemy, and to

¹ Dio. Cass. (ap. Vales. 653.) reports, that Fimbria having ordered some wretches to be whipped to death, and having observed, on the day of execution, that there were more posts fixed in the ground than persons condemned, caused some of the spectators to be seized, and whipped at those supernumerary posts, that they might not seem to have been set up to no purpose.

² The Palladium (says Appian) it is thought was found entire among the rubbish. Some choose rather to believe, that Diomedes and Ulysses took it away in the time of the Trojan war. The historian calls the Palladium, the shrine of Minerva.

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App. Mithr.
p. 205.

Plut. in
Lucull.

App. Mithr.
p. 205.
Plut. in

Dio. Cass.

ap. Vales.

App. loc.

cit.

Liv. Epit.

l. 83.

App. loc.

cit.

Liv. Epit.

l. 83.

Dio. Cass.

ap. Vales.

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Plut. in
Sylla.

App. Mithr.
p. 208.

Plut. in
Sylla.

App. in loc.
cit.

App. p.
209.

plunder Asia, Sylla hastened into that country, having first ordered Lucullus to sail to the Hellespont, thereby to secure the passage of the army. When he had reached Dardanus, Mithridates arrived there with 200 galleys, and an army of 26,000 men. At the conference which ensued, the king approaching the Roman proconsul, held out his hand to him, as a token of friendship. Sylla, before he made any return to that civility, asked him, whether he accepted of the peace, on the conditions to which Archelaus had agreed. The king making no answer, Sylla continued: "It belongs to suppliants to speak; conquerors may be silent, if they please." Then the king began to justify his own conduct, laying the blame of the war upon the avarice of the Roman generals, who had deprived him of Phrygia, and stirred up Nicomedes against him. Sylla, at length, interrupting him, said, "I have often heard, Mithridates, that you are very eloquent, but now I am convinced of it by my own experience, since you can give such plausible colours to the most unjust and enormous actions." And when he had put the king in mind, that the Roman senate had annulled the bargain made between his father and Aquilius about Phrygia; that Nicomedes complained of his having assisted Socrates to invade Bithynia, and therefore had a right to make reprisals; and that Mithridates should have carried his complaints to the senate, and waited for their answer before he began hostilities: he added, "But, granting you had a right to defend yourself against Nicomedes, what injury had Ariobarzanes done you, that you should divest him of his kingdom? Your opposing his restoration, brought upon you this war; a war which you had long before meditated; for you hoped, that when you had conquered the Romans, you should make yourself master of the whole world, and therefore sought an occasion of quarrel with them. This is undeniably clear from hence, that before the war began, you made alliances with

the Thracians, Scythians, and Sarmatians, solicited the neighbouring kings, built a fleet, and provided yourself with pilots and masters of ships; but your designs are discovered, chiefly by the time in which they broke out; for when you found that our allies in Italy had revolted from us, you laid hold of that opportunity, attacked Ariobarzanes and Nicomedes, the Gallo-Greeks, and Paphlagonia, and even our province of Asia. Not content with this, you carried your arms into Europe, though by the decrees of the senate, the Asiatic kings were forbade to hold any thing there. You overran Macedon, and deprived the Greeks of their liberty: nor did you repent of these actions, till I had delivered Greece and Macedon from your violences, and cut off many thousands of your men. I wonder you now attempt to excuse, what you before asked pardon for, by Archelaus. Perhaps you were afraid of me when at a distance, but now, when I am present, imagine I am come to hear a trial, a cause pleaded. The time for trials and pleading is over: the affair is subjected to the determination of war: a war, in which you are the aggressor, and we upon the defensive; and, as we have strenuously defended ourselves hitherto, we shall continue to do so to the end." The king, terrified at this angry speech, declared, that he ratified the peaceⁿ on

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Plut. in
all.

App. p. 210
all.

App. in loc.
p. 210

Consid. sur
les Causes,
&c. c. 7.
App. p. 209

"Concerning Mithridates, the ingenious and judicious M. Montesquien writes thus: Of the many kings whom the Romans attacked, Mithridates was the only one who made a courageous defence, and brought them into danger.

"His dominions were situated most advantageously for a war with Rome; they reached to the inaccessible country of Mount Caucasus, inhabited by a fierce and savage people, whom that prince could call to his assistance: from thence they extended along the sea of Pontus, which was covered with his ships, and he was incessantly purchasing new armies of Scythians; Asia lay open to his invasions, and he was rich, because the inhabitants of his maritime cities carried on an advantageous traffic with nations less industrious than they.

"Proscriptions, the custom of which began at this time, had forced several Romans to leave their country. These were received by Mithridates with open arms, and he formed legions, into which he incorporated those exiles, who proved the best soldiers in his army.

"The cities of Greece and Asia, finding the Roman yoke grow more intolerable every day, reposed their whole confidence in this barbarian king, who invited them to liberty."

"On the other side, the Romans, distressed by intestine divisions, and threatened with more imminent dangers, neglected the affairs of Asia, and suffered Mithridates to pursue his victories, or take breath after his defeats.

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Plut. in
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the conditions settled by Archelaus. Hereupon Sylla embraced him, and made a reconciliation between him and the two kings, Ariobarzanes and Nicomedes.

How advantageous soever this treaty was to the Roman general, his soldiers complained, that he had suffered the greatest enemy of the Roman name, to depart in peace, loaded with the spoils of Asia. Sylla, to justify his conduct, represented to them, that he should not have been strong enough to resist Mithridates and Fimbria, had they joined against him. Some days after, he marched towards Fimbria, who lay encamped under the walls of Thyatira in Lydia; and on his arrival in the neighbourhood, sent him a summons to deliver up the command of an army which he held contrary to law. Fimbria answered him sharply, that his own authority was not very regal; but his soldiers deserting in great numbers to Sylla, and those who remained with him refusing to take the military oath, he hired a slave to murder Sylla: and this attempt not succeeding, he at last desired an interview with him. The proconsul sent to him one of his officers, named Rutilius. Fimbria resented it extremely, that Sylla should refuse him a con-

App. Mi-
thrid. p.
210.

P. 211.

"Nothing had contributed more to the ruin of most kings, than the manifest desire they shewed for peace: by this, they had prevented all other nations from sharing with them in a danger, from which they were so anxious to extricate themselves. But Mithridates immediately made the whole world sensible, that he was an enemy to the Romans, and would be so eternally." The author, when he penned these last words, had probably in his mind the massacre of the Italians in Asia.

Dr. Middleton speaks to the same effect in his *Life of Cicero*:

"The Italic war was no sooner ended, than another broke out, which, though at a great distance from Rome, was one of the most difficult and desperate in which it ever was engaged; against Mithridates, king of Pontus; a martial and powerful prince, of a restless spirit and ambition, with a capacity equal to the greatest designs; who disdaining to see all his hopes blasted by the overbearing power of Rome, and confined to the narrow boundary of his hereditary dominion, broke through his barrier at once, and overran the Lesser Asia, like a torrent, and, in one day, caused 80,000 Roman citizens to be massacred in cold blood. His forces were answerable to the vastness of his attempt, and the inexpiable war, that he had now declared against the republic." *Midd. Life of Cicero*, vol. 1. p. 21.

What is here said, by these two excellent writers, concerning the purpose of Mithridates, in massacring so many thousand Italians in cool blood, seems very well founded; that is to say, it was probably the king's intention at the time of his committing that massacre, that the neighbouring states, and all the world, should understand it as his declaration of an inexpiable war against the Romans. However, from the ignominious terms of peace to which he submitted by his treaty with Sylla, he soon forfeited all the benefit he could possibly have promised himself from such a declaration.

ference, which it was not usual to refuse even to an enemy: however, he asked pardon for what he had done, and made his youth his excuse. Rutilius answered, that if he would quit Asia, Sylla would allow him a safe passage to the sea. To this Fimbria replied, that he knew a better way; and then retiring into a temple in the town, ran himself through with his sword. The wound not proving mortal, he commanded one of his slaves to dispatch him. The slave immediately obeyed, and then killed himself upon his master's body. What soldiers had remained with him now listed in Sylla's army.

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The proconsul stayed some time in Asia, to settle the government, plunder the inhabitants, amass money for the Italian war, and enrich his soldiers. The Ilienses, the Chians, the Rhodians, the Lycians, the people of Magnesia, who had all suffered great losses and hardships by Mithridates, were re-established in their liberty, and declared the friends and allies of Rome. Sylla then published an edict, commanding all the slaves who had been set free by the king of Pontus to return to their masters. This edict occasioning great tumults, and some cities revolting, the Romans made a prodigious slaughter of the people, both slaves and free, demolished the walls of many towns, and sold all the effects belonging to the inhabitants of many others. Those of Mithridates's party were every where severely punished, especially the Ephesians, who had taken from their temples the presents which the Romans had dedicated to the gods. After

Plut. in
Sylla.
App. loc.
cit.

this, the proconsul convened at Ephesus an assembly of deputies from all the cities of Asia. There he represented to them the kindness of the Roman people to the Asiatics, in delivering them from the yoke of Antiochus the Great, and in declaring them all free, except some nations which they had given to Eumenes and the Rhodians, rather as allies than subjects; and he reproached them with their readiness to join Mithridates, and execute his cruel orders. He added, "You have been in

Ap. Mi-
thrid. p.
212.

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367th con-
sulship.

App. Mi-
thrid. p.
213.

B. C. 83.

368th con-
sulship.

369th con-
sulship.

App. de
Bell. Civ.

l. 1. p. 390.

Plut. in
Sylla.
3,875,000*l*.
Arbuth.

10*s*. 4*d*.
Id.

1*l*. 12*s*. 3½*d*.
Id.

part punished for these crimes by the king of Pontus himself, who exhausted you by rapine and slaughter, deprived you of your lands, cancelled the debts due to you, set your slaves at liberty, placed tyrants in some towns, and gave all sorts of encouragement, both by sea and land, to pirates and robbers (from whence you may know by experience, what patrons you chose to yourselves, in the room of those you renounced), and the authors of these mischiefs have been in part punished by us. Nevertheless, a public punishment must be inflicted for your demerits. But far be it from Roman clemency to command impious murders, unmerited confiscations, and to deprive masters of their slaves; barbarous practices, of which my mind abhors the very thought. Regard shall be had to the Grecian name, the glory of Asia, and our ancient friendship. I shall therefore (and may the gods prosper it), only fine you in a sum to the value of five years' tribute, which I now order to be paid over and above the expenses I have been at in this war, and the usual taxes due from the province. I shall settle in just proportions what each city is to advance, and fix a time for payment. All who disobey I shall look upon as enemies."

After this most gracious speech, he sent parties of soldiers into all the towns to collect the several sums required. The people were obliged to borrow money at high interest, and to mortgage their theatres, their gymnasiums, the fortifications of their towns, their walls, and whatever belonged to the public. According to Plutarch, the public fine, imposed upon Asia, amounted to 20,000 talents. Besides this, Sylla gave up the people to the insolence and covetousness of his soldiers, obliging their hosts to pay to each of them sixteen drachms a day, and to entertain them and as many of their friends as they should please to invite. Every centurion had fifty drachms a day allowed him, and two suits of apparel.ⁱ

ⁱ According to Sallust, Sylla, to gain the affections of his soldiers, first introduced debauchery and drinking among them, and taught them to admire statues and pictures, and to rifle private houses, plunder temples, &c. Bell. Cat. c. 11.

Nor did the proconsul defend the Asiatics from the pirates, to whom Mithridates had given such encouragement, that they not only infested the seas, but were become terrible to the towns. Sylla quietly suffered them, while he was in Asia, to take Jassus, Samos, Clazomenæ, and Samothrace, and to plunder the temple in the last-mentioned place of ornaments to the value of 1,000 talents. At length he prepared for his Italian expedition; and leaving Muræna in Asia, at the head of that army, which Fimbria had lately commanded, he set sail from Ephesus, and the third day, arrived at Athens, where he was initiated in the Eleusinian mysteries.

Year of
R O M E
668.
B. C. 84.

367th consulship.

App. Mithrid. p. 213.

193,750l.
Arbuth.

At Rome, Cinna and Carbo had continued themselves in the consulship for the new year, and the former had married his daughter to the famous Julius Cæsar. On the news of the approach of Sylla with a victorious army, a great fleet, and an immense treasure, the consuls levied soldiers all over Italy to a prodigious number, fitted out ships, and collected money and provisions for the impending war. The proconsul, not daunted at these preparations, wrote a letter to the senate, wherein he reckoned up all his exploits, from the time of his quæstorship to that of his consulship, against the Numidians, the Cimbri, and the Italians; exaggerated his victories over Mithridates, and boasted of the number of nations he had reduced to the obedience of Rome: but he gloried in nothing so much as that his camp had been a sanctuary for the Roman citizens, whom the cruelty of Cinna had driven into banishment. He added, that for a reward of these services to the state, his enemies had prevailed to have him declared an exile, his house demolished, his friends murdered, and his wife and children forced to fly from Rome to save their lives: but that he would soon return, and take vengeance, both on his private enemies, and those of the public. The rest of the citizens, the new as well as the old, he promised not to hurt. The senate, terrified at this

Year of
R O M E
669.
B. C. 83.

368th consulship.

Sueton. in
Jul. Cæs.
c. 1.

App. de
Bell. Civ.
l. 1. p. 396.

p. 397.

Year of
R O M E
669.
B. C. 83.

368th con-
sulship.

Liv. Epit.
l. 83.

App. de
Bell. Civ.
l. 1. p. 398.

letter, immediately dispatched commissioners, with an earnest request to him to be reconciled to his adversaries, offering him the security of the public faith for the performance of whatever he should demand. At the same time, they forbade the consuls to make any more levies till an answer could be obtained from him. Cinna promised to obey; but no sooner were the commissioners set out from Rome than the consuls made a progress through Italy, enlisted soldiers and forming different armies to oppose their enemy. Their design was, that the seat of the war should be abroad; and, with this view, they ordered forces to be transported into Dalmatia. The first detachment had a safe passage, but the next, meeting with a storm, returned home, and dispersed themselves, giving out every where, that they would not fight against their countrymen. The rest of the army encouraged by this example, refused to embark for Dalmatia. Whereupon Cinna assembled them, and by menaces would have compelled them to obey, but they mutinied, and slew him.^k

Carbo, by the death of his colleague, remained sole master of the administration, found various pretences to put off the election of a new consul to the next year. In the meantime the commissioners who had been sent to Sylla returned with an answer to this effect (according to Appian), that he would never have any friendship with the actors of such crimes; that if the Roman people had an inclination to pardon them, he would not oppose it; but that those would be in the safest condition who took refuge with him, as he had an army so much at his devotion.^l By which [last] words, says

^k Plutarch says, the mutiny was occasioned by a suspicion, that Cinna had murdered Pompey (afterward surnamed the Great); that Cinna, in his flight, was overtaken by a centurion; that when this man was going to run him through, he fell on his knees, and offered him, if he would spare his life, a seal ring, which was of great value. I do not come, said the officer, to seal a contract, but to punish a wicked and a cruel tyrant; and, at these words, plunged his sword in the consul's body. Plut. in Pomp.

^l The Epitome of Livy, l. 84. (with which Vell. Pat. seems to agree) tells us, that Sylla offered to submit to the authority of the senate, on condition, that all who had

Appian, it was plain, he designed to retain his command, and to possess himself of the government.*

Year of
R O M E
669.
B. C. 83.

Carbo, to keep the Italians steady to his cause, would have obliged all the towns and colonies of Italy to give hostages for their fidelity. But the senate hindered the execution of this project. However, by the interest of his party, he got a law passed, for distributing the freedmen among all the five and thirty tribes, and obtained a decree of the senate, ordaining that all armies every where should be disbanded.

368th consulship.

* τὴν τυραννίδα.

Liv. Epit.
l. 84.

Sylla paid no regard to this decree. Leaving Athens he marched to Dyrrhachium, in order to embark there on board a fleet of 1,200 ships (1,600, according to Appian). Before he set sail he began, it is said, to fear lest his troops should, on their arrival in Italy, disband themselves, and return to their respective homes. But they soon freed him from his apprehensions; for, of their own accord, they took a new oath of fidelity to him; nay, thinking that he wanted money, they made a contribution among themselves, and offered it to him: but he declined their present.

App. de
Bell. Civ.
l. 1. p. 398.
Plut. in
Sylla.

It was in the consulship of L. Cornelius Scipio and C. Junius Norbanus, that Sylla landed at Brundisium, with an army of five Roman legions, and 6,000 horse, beside the Macedonian and Peloponnesian auxiliaries, in all 60,000 men.^m By Sylla's account, as given by Plutarch, the Marian faction had on foot 450ⁿ cohorts of good troops commanded by fifteen generals. Appian says, their forces, at this time, amounted to 200 cohorts of 500 men each, but that afterward they were increased. He adds, that the people favoured the consuls much more than Sylla, because he seemed the aggressor, invading his country in a hostile manner; whereas the consuls, though they had in reality only their own interest at

Year of
R O M E
670.
B. C. 82.

369th consulship.

App. de
Bell. Civ.
l. 1. p. 398.

App. p.
400.

been banished by the Marian faction, and had fled to him, should be restored: and that Carbo, and his party, hindered these terms from being accepted.

^m Vell. Pat. (l. 2. c. 24.) says, that Sylla's army amounted to no more than 30,000 men.

ⁿ Vell. Pat. (loc. cit.) tells us, that the Marian army consisted of above 200,000 men.

Year of
R O M E
670.
B. C. 82.

369th con-
sulship.

App. p.
399.

Cic. in Ver.
l. c. 12, et
seq.

App. p.
403.

Vell. Pat.
l. 2. c. 25.
Plut. in

Liv. Epit.
l. 84.
Plut. in
Crass.

Vell. Pat.
l. 2. c. 29.
Liv. Epit.
l. 85.
Plut. in
Pomp.

App. p.
399.

heart, yet pretended a view to the public good. Besides, the people, conscious of being themselves equally transgressors, took up arms out of fear, knowing that Sylla would not be satisfied with chastising them, but was meditating ravages, slaughter, and destruction. Thus far Appian. But if we may believe Vell. Paternulus, all the best men flocked to Sylla's army. Among these, it seems, was Cethegus, who had been a great enemy to the proconsul, and had by him been driven out of Rome, when Cinna was expelled. Verres also, so well known by Cicero's pleadings against him, quitted Carbo, to whom he had been quæstor in Gaul the last year, carried off the public money with him, and took refuge with Sylla, that he might not be obliged to pass his accounts. The proconsul, says Cicero, would not trust him as a friend, but removed him from the army, and placed him at Beneventum, where he could do no hurt, being narrowly watched by persons steady to the cause: yet Sylla, afterward, rewarded him, as a traitor, liberally with the estates of some of the inhabitants of that town, whom he proscribed. Metellus Pius, Crassus, and Pompey (the son of Pompeius Strabo formerly mentioned), likewise repaired to Sylla's camp. Metellus, since his flight from Rome, when Marius and Cinna entered the city, had endeavoured to kindle a war in Africa, but had been driven from thence by Fabius, prætor of that province. Crassus, on the death of Cinna, had raised some forces in Spain, transported them into Africa, and joined Metellus: but, soon quarrelling with him, he left that country, and went to Sylla. Pompey (afterward surnamed the Great) was, at this time, about twenty-three years of age. Having, by his credit in the country of Picenum, raised three legions, he led them to Sylla, and, in his march, defeated Brutus, one of the chiefs of the Marian faction, who opposed his passage. On his arrival, Sylla rose up to receive him^a (a civility which he paid to none

^a According to Plutarch, Sylla advanced to meet Pompey, and alighted from his horse, as soon as he came up to him.

of the other generals), and saluted him by the title of emperor.

Sylla, advancing into the country, fought a battle with the consul Norbanus, at Canusium, vanquished him, and slew 7,000 of his men.^p The proconsul lost only seventy soldiers on this occasion, or, as some say, 124; and, if we believe Plutarch, he obtained this victory merely by the courage of his troops, for he led them to the attack without forming them into any order. Norbanus shut himself up in Capua; and the other consul, L. Scipio, marched to oppose the enemy. As he was more solicitous to bring about a peace than to carry on the war, Sylla, who knew his disposition, sent him some overtures, which he very willingly listened to: but the proconsul found various pretences to put off the conclusion of the affair. During this negotiation, his soldiers, long practised in wiles and cunning under so artful a master, corrupted many in Scipio's army by bribes, promises, and flattery. At length, all the consul's troops deserted him, and went over in a body to Sylla.^q Scipio was taken prisoner in his tent, together with his son; but the proconsul, after having in vain endeavoured to engage them in his party, set them both at liberty: so different, says Velleius, was Sylla, when carrying on the war, from the same Sylla, when he had finished it. On the news of this desertion, Norbanus is reported to have said, that, in Sylla, he had to fight against a lion and a fox; but that the fox was the most dangerous enemy. To him likewise the proconsul sent deputies to treat of peace; but Norbanus, dreading the fate of his colleague, would not so much

^p In the Epitome of Livy, we are told, that, before this battle, Sylla sent deputies to Norbanus to treat of peace; and that the latter offered violence to them. Appian says, that Sylla sent deputies to Norbanus some time after the battle. Both stories can hardly be true.

^q Appian reports, that, during the truce, Sertorius, who had been sent by Scipio to consult with Norbanus about the articles of peace, seized upon Suessa in his way: that, Sylla looking upon this step as an infraction of the truce, Scipio, either conscious of the fact, or not knowing what answer to make, restored to the proconsul the hostages he had given in the beginning of the treaty; and that the consul's army, offended both at the taking of Suessa, and the returning of the hostages, deserted to Sylla.

Year of
R O M E
670.
B. C. 32.

369th con-
sulship.

App. p.
322.

Plut. in
Sylla.
l. 2. c. 25.

App. p.
402.

Vell. Pat.
l. 2. c. 25.
Plut. in
Sylla.

Div. l. 84.
Plut. in

Grass.
R O M E

671.

Vell. Pat.
App. loc.
cit.

Div. l. 85.
Plut. in

Pomp.

App. p.
322.

Year of
R O M E
670.
B. C. 82.

369th con-
sulship.

Plut. in
Sylla.

Liv. Epit.
l. 86.
Plut. in
Sertor.

Year of
R O M E
671.
B. C. 81.

370th con-
sulship.

as return an answer. Hereupon Sylla decamped, and drew nearer to Rome, ravaging the country in his march. Norbanus directed his course to the same city, but by a different route. Carbo, the last year's consul, entered it before either of them, and obtained of the senate and people a decree, declaring Metellus, and all the senators who had joined Sylla, enemies to the state.

About this time, the temple of Jupiter Capitolinus was burnt down in the night. Some say it was set on fire by Carbo's order; some suspecting the consuls; others Sylla. This last, in his Memoirs, wrote, that a slave had told him, that if he did not hasten to Rome, the Capitol would be burnt, and had named the day when it should happen, which was the 6th of July.

The rest of the summer was spent by both parties in recruiting their armies. Multitudes flocked daily to the consuls, from all parts of Italy and Cisalpine Gaul. Sylla, on the other hand, dispersed emissaries up and down the country, to bring over people to his interest by bribes, promises, and threats; and, that the Italians might have no reason to fear him, he entered into a league with them, promising to continue to them their right of Roman citizenship. Sertorius, seeing the incapacity of the leaders of the Marian faction, and losing all hope of preserving Italy, after the desertion of Scipio's army, had passed into Spain; there to assemble troops, and maintain the war against Sylla and his adherents.

At the next election of consuls, Cn. Papirius Carbo, for the third time, and C. Marius, the son of the great Marius, were appointed to that office.

^r Appian calls this Marius, the nephew of the other Marius. Florus (b. 3. c. 21.) says, he was the brother of Marius, meaning Marcus, or, according to Pliny, (l. 34. c. 6.) Caius Marius Gratidianus, whom Cataline, by Sylla's order, murdered at the tomb of Catulus; and whose father (says Cicero in Brut. c. 45.) was M. Gratidius, the sister of whom was Cicero's grandmother. (Cic. de Leg. l. 3. c. 16.) Pighius (vol. 3. p. 191. 252.) thinks that both Marcus and Caius were the adopted sons of the great Marius, a thing not very probable. That M. Marius Gratidianus, the son of M. Gratidius, was adopted by some Marius or other, seems plain from his name: but the Capitoline Tables, the Epitome of Livy, Pliny, (l. 33. c. 1.) Velleius Paterculus, Dio. Cassius, Plutarch, Auct. de Vir. Illust. and Eutropius, call the consul of this year C. Marius, the son of Marius, without mentioning adoption. The consul,

Marius at the head of eighty-five cohorts, fought an obstinate battle with Sylla, at Sacriportus, not far from Præneste: but five cohorts of foot, and two troops of horse, in the heat of the action, going over to the pro-consul, the Marians were routed with great slaughter. Sylla's Memoirs, so often mentioned, say, that he killed 20,000 of the enemy, and took 8,000 prisoners, with the loss of only twenty-three of his own men.^s Of the prisoners, all that were Samnites he ordered to be slain, as perpetual enemies to the Romans. Marius escaped with the remains of his army to Præneste, which Sylla soon after blocked up.

Year of
R O M E
671.
B. C. 81.

370th con-
sulship.

Plut. in
Sylla.

App. de
Bell. Civ.
p. 403.

About the same time Metellus defeated another army of the Marians, the victory being facilitated by the desertion of some of their cohorts during the battle. Young Marius, seeing his affairs desperate, and being eager to revenge himself upon his enemies, sent orders to Brutus Damasippus, the prætor of Rome, to assemble the senate upon some pretence, and put to death L. Domitius, P. Antistius (Pompey's father-in-law), Mucius Scævola, the pontifex maximus, and C. Carbo, a relation of the consul, and, according to Cicero, the only good man of the family. This cruel order^t was punctually executed, and, according to the custom then established at Rome, the bodies of the slain were thrown into the river.

App. p.
404.

Cic. Ep.
Fam. l. 9.
Ep. 21.

Sylla, proposing to march to Rome, left the blockade of Præneste to the care of Lucretius Ofella, an obscure

according to the Epitome of Livy, was at this time but twenty years of age; the author de Vir. Illust. says twenty-five; Vel. Pat. twenty-six; and Appian twenty-seven.

^s If we believe Plutarch, a dream, which Sylla had, made him very eager to fight this battle; but his men were so fatigued with endeavouring to favour the junction of a part of their forces with the main army, that they lay down upon the ground to rest themselves; and Sylla was prevailed upon not to offer battle. But Marius marching up boldly to the intrenchments, Sylla's soldiers, in a passion, sallied out upon their enemies, and routed them at the first shock. Fenestella, and some other authors, wrote that Marius, exhausted with fatigue, fell so fast asleep under a tree, that he did not hear the noise of the battle, and could scarce be waked by the flight of his troops.

^t The Epitome of Livy (l. 86.) places this order before the battle of Præneste, and adds, that the prætor murdered all the nobles that were in Rome.

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R O M E
671.
B. C. 81.

370th con-
sulship.

Dio. Cass.
ap. Val.
p. 654.

App. p.
404.

P. 405.

P. 406.

man : for the proconsul, if we may credit Dio. Cassius, being now almost sure of the victory, began to neglect the nobles, who had hitherto done him singular service, and to put his chief confidence in men of low birth and no virtue, as knowing that these would be ready instruments of his wicked purposes, and that they would not arrogate to themselves the glory of any exploit by him performed. On his approach towards the Capitol, those of the Marian faction fled from it. The inhabitants, famished with hunger, immediately opened their gates to him, and he, as soon as he was master of the city, confiscated the effects of Marius's followers. Then, assembling the people, he told them, that the wickedness of his enemies had forced him upon those measures, and exhorted the citizens to take courage, for that, in a short time, they would see an end of their miseries, and the commonwealth settled upon a good footing. Having ordered all matters in the city, according to the present exigence, and left a guard there, he marched to Clusium, where he fought a battle with the consul Carbo ; it lasted the whole day, and night put an end to it before victory had declared on either side.^u After this, Carbo having sent eight legions under the command of Marcius to relieve Præneste, Pompey laid an ambuscade for those troops, and with great slaughter forced them to retire to an eminence, where he surrounded them : and, though Marcius brought them off in the night, yet, they thinking they had been defeated through his fault, the greater part of them disbanded themselves, so that he returned to Carbo with only seven cohorts.

About the same time, this consul, in conjunction with Norbanus, attacked Metellus's camp at Faventia, in the evening, but without success : 10,000 of their men were killed, 6,000 surrendered themselves to the enemy, and the rest were dispersed in such a manner, that only 1,000 men retired, with their commanders, to

^u The Epitome of Livy, (l. 88.) gives the victory to Sylla.

Arretium. On the news of this defeat, a legion of Lucanians, under Albinovanus, deserted their leader, and went over to Metellus. Albinovanus returned to his general Norbanus at Arretium, but it was only the more infamously to betray him. For, soon after, being bribed by Sylla, he invited to an entertainment Norbanus, his lieutenants Apustius and Fimbria (brother of that Fimbria who had killed himself in Asia), and all the chiefs of the Marian party then in the town, and caused every one of them to be murdered, except Norbanus, who did not come to the entertainment. The assassin made his escape to Sylla, to whom Ariminum, about this time, revolted, and some Marian armies, in that neighbourhood, deserted. After so many misfortunes, Norbanus, apprehending that none of his people would be steady to him, embarked on board a small vessel, and sailed to Rhodes. Sylla sent to demand him, and, while the Rhodians were deliberating, whether they should give him up, he killed himself in the middle of the forum.

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R O M E
671.
B. C. 81.

370th con-
sulship.

Carbo, notwithstanding these disasters, made several attempts to relieve Præneste, but without success. A detachment of his army was routed at Placentia, by Lucullus, one of Sylla's lieutenants; and all Cisalpine Gaul submitted to Metellus. Hereupon Carbo, though he had 30,000 men at Clusium, two legions under Damasippus, and two more, commanded by Marcius and Carinas, besides a powerful army of Samnites and Lucanians, yet abandoned Italy, and passed into Africa. After his departure, his troops at Clusium were entirely defeated by Pompey, and 20,000 of them cut off.

App. p.
407.

Some time before this, Pontius Telesinus, a Samnite, and M. Lamponius, a Lucanian, had levied 40,000 men in those countries, and attempted to raise the blockade of Præneste. According to Appian, they were now joined by Damasippus, Marcius and Carinas, with

Plut. in
Sylla.
Vell. Pat.
l. 3. c. 27.
App. loc.
cit.

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R O M E
671.
B. C. 81.
370th con-
sulship.

the troops under their command.* But, fearing to be hemmed in between the armies of Sylla and Pompey, who were advancing, with great expedition, to attack them in front and rear, Telesinus, an able general, and a brave man, disappointed their purpose; he decamped in the night, and marched directly to Rome. On his arrival there, the terror was no less than when Hannibal appeared before the gates. Yet the Roman youth marched out boldly, and attacked the enemy, but were repulsed with loss. In the meantime, a body of horse, detached by Sylla, came opportunely to the assistance of the citizens, and the general himself, with all his army, approached soon after. His troops were fatigued with their march, which some of his officers observing, and considering that they were to fight with Samnites and Lucanians, endeavoured to persuade him to defer the engagement. He, nevertheless, ordered the trumpets to sound a charge. On the other hand, Pontius Telesinus, an implacable enemy of the Roman name, walking through the ranks of his army, cried out, "The last day of Rome is come. The city must be razed to the ground. Wolves will never be wanting to prey upon the liberties of Italy, till the wood in which they shelter themselves is cut down." The day was far spent before the battle began, which it would seem, lasted the whole night, with great obstinacy on both sides. Sylla's left wing, in which he commanded in person against Telesinus, was entirely routed; and he himself was in imminent danger of being killed by two men, who, at the same instant threw their darts at him: he escaped by his groom opportunely striking his horse. It is said, that when he saw his men give ground, he took out of his bosom a little image of Apollo, which he had stolen from the temple of Delphi, and had ever since carried about him when engaged in war. Kissing

* Vell. Pat. and Plutarch make no mention of the Samnites being joined by any Roman troops.

it with great devotion, he expostulated with the god for having brought him to perish dishonourably with his countrymen, at the gates of his native city, after having raised him, by many victories, to such a height of glory and greatness. Then throwing himself among his troops, he endeavoured, by entreaties and threats, to make them face the enemy. All was to no purpose. They were routed with great slaughter, and, in their flight^y to the camp, they hurried him along with them. There, when it was very late in the night, messengers came to him from Crassus (who had commanded the right wing), with the good news that he had defeated the left wing of the enemy, and pursued them to Antemna, where he kept them blocked up.

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sulship.

Most of the Samnites and Lucanians fell that night in battle, and among the rest, Pontius Telesinus, who was found the next day with a countenance, says Vel-
leius, which more resembled that of a conqueror than of a dead man.

As soon as it was light, Sylla marched to join the forces at Antemna. Three thousand of the enemy sent deputies to him, asking pardon, and offering to submit. He answered, that he would spare their lives, if they would do some signal mischief to the rest of his enemies. Whereupon those wretches turned their swords against their companions, killed a great number of them, and then surrendered themselves to the proconsul.

The enemy being entirely dispersed, Sylla sent the heads of Pontius Telesinus, Marcius, and Carinas (the two last having been taken in their flight), to Lucretius Ofella, at Præneste, with orders to have them carried round the walls of the town. On the news of Sylla's

App. p.
408.

^y According to Appian, they fled to Rome with the Samnites at their heels, and the Romans, fearing lest the enemy should enter the town, let fall the portcullis; so that Sylla's men, urged by fear and necessity, returned to the fight, and obtained the victory. But since Sylla came last before the city, we must suppose, that the enemy was between it and him, and consequently, that his troops could not fly thither. By the same author's account, the loss on both sides amounted to 50,000 men, and 8,000 were taken prisoners.

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R O M E
671.
B. C. 81.

370th con-
sulship.

Liv. Epit.
l. 88.
App. p.
408.

Plut. in
Sylla.

Plut. loc.
cit.
Liv. Epit.
l. 88.
Dio. Cass.
ap. Val.
p. 657.

Senec. de
Clement.
l. 1. c. 12.
Plut. in
Sylla.

victory, and of the flight of Norbanus and Carbo, and of the conqueror's being master in Rome, the inhabitants of Præneste, in despair of relief, opened their gates to Lucretius. Marius, in attempting to make his escape through some subterraneous passages, was slain by those who guarded him. Some say, he fell by his own hand: others, that he and the younger brother of Pontius Telesinus fought together, and that Telesinus being killed, and Marius wounded, the latter caused his slave to dispatch him. Lucretius sent his head to the proconsul, who, on seeing it, is reported to have said, that the young man ought to have learned to use the oar, before he attempted to manage the helm. Yet Velleius thinks, that Sylla had a high opinion of Marius's talents, because, upon his death, he immediately assumed the name of Felix, or the Fortunate, a name which, in the opinion of the same author, he would have been most justly entitled to, had his life ended with his victories. Plutarch seems to doubt, whether Sylla's prosperity and power did really change his disposition, or only discover his natural wickedness. It is, however, agreed, that no man ever made a more cruel use of victory. The Romans soon had an instance of the coolness with which he could perpetrate murders. The 3,000 men, formerly mentioned, who after massacring many of their companions, had surrendered themselves to him upon promise of their lives, he caused to be shut up in a public place, together with some other prisoners, (the whole number amounting to 6 or 8,000) on pretence of enlisting them in the legions. He then assembled the senate in the temple of Bellona, which was hard by; and while he was making a speech to the conscript fathers, the soldiers, according to their instructions, began to massacre the wretches he had shut up. Their cries and lamentations greatly terrified the senators. Sylla, without altering his countenance, said to them, "Mind what I am saying, conscript fathers; it is nothing but

a few seditious men whom I have ordered to be punished."

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After this he filled Rome with slaughter, sparing none of the adverse party ; nay, his friends, without regard to party, murdered, with his connivance, their own private enemies ; and all were such, whose birth or fortunes they envied. In the general consternation caused by these murders, Q. Catulus had the courage to say to the proconsul, "With whom do we propose to live, if, in war, we kill all who are in arms, and, in peace, all who are unarmed ?" And C. Metellus asked him in the senate-house, "What end there was to be to these calamities ?" He added, "We do not petition you to spare such as you have determined to destroy, but to quiet the apprehensions of those whom you intend to save." Sylla answered, "That he was not yet certain whom he should leave alive." Then Metellus (or, according to others, one Aufidius) desired him to let them know who they were whom he had determined to punish. Sylla promised he would, and on the morrow, caused to be fixed up in a public place an edict with a list of the names of eighty² persons whom he doomed to death. This method of condemnation was called proscription ; a method of which Sylla was the inventor. By the edict, it was made capital to entertain or save any of the proscribed. A reward of two talents was offered for each head ; even a slave was entitled to it for killing his master, and a son for murdering his father. The estates and effects of the condemned were confiscated, and their children and grandchildren declared incapable of holding any office in the state. Sylla, says Sallust, was the first among men who appointed punishments for people yet unborn, and prepared injuries for those whose life was yet uncertain.

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Oros. l. 5.
c. 21.

Plut. in
Sylla.

Vell. Pat.
l. 2. c. 28.
App. p.
409.
Plut. in
Sylla.

Sall. Bell.
Cat. c. 51.

The day after the first proscription, Sylla published a

² According to Orosius this first proscription was before the surrendry of Prænestæ, or the death of Norbanus ; for Marius and Norbanus, Carbo and Scipio, were among the proscribed.

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sulship.

App. p.
409.

Val. Max.
l. 9. c. 2.
§. 1.

Diod. Sic.
ap. Vales.
p. 658.

App. loc.
cit.

Cic. pro
Cluent.
7. 8.

new list of 220 persons, whom he condemned, and the next day a like number. In an assembly of the people, he told them he had proscribed all he could think of, and that those whom he had now forgot, he would proscribe hereafter; and concluded with saying, that if the people were obedient to him, he would change their condition for the better; but as to his enemies, he would spare none of them. After this speech, he proscribed, according to Appian, forty senators and 1,600 knights. The whole number of the proscribed amounted, according to Val. Max. to 4,700; he adds, that Sylla, as if he gloried in his cruelty, caused their names to be entered in the public registers; but, probably, this was done, that it might be known, in future times, whose descendants stood excluded from offices. Whatever was the number of the proscribed, that of the slain seems much to have exceeded Valerius's account. And (if we may believe Dio. Cassius) when Mithridates ordered all the Italians in Asia to be murdered, there did not perish near so many of that nation, nor by such cruel deaths, as in consequence of Sylla's edicts. Nor did the tyrant confine his cruelty to Rome. His assassins roamed over all Italy, every where searching out the favourers of the Marian faction. It was a crime, not only to have borne arms against Sylla, but to have given even the least assistance to his enemies, to have been in friendship with them, to have lent them money, nay, to have travelled in company with any of them. The weight of the storm fell chiefly upon the rich, more people being murdered for their estates, than on account of party, or private revenge. Nor did Sylla cease his proscriptions, till he had enriched all his friends and followers. He became the protector of all villains. Among these were Oppiancius and Catiline. The former, a Roman knight of Larinum in Apulia, having privately caused his wife's brother to be assassinated, that his own son might inherit the whole of his grandmother's estate, and being threatened with

a prosecution by the relations of the deceased, he first took refuge in the camp of Metellus; and when afterward he had procured a commission from Sylla, he returned to Larinum with a party of soldiers, and under cover of the proscription murdered all who had threatened to bring him to trial. Catiline had formerly murdered his own brother, and now obtained of the proconsul, that his brother's name should be inserted among the proscribed, as if he had been still living. In return for this favour, Catiline undertook the punishment of M. Marius Gratidianus, a man who had been twice prætor, and so great a favourite with the Roman people, for his having promulgated a law against the adulteration of the coin, that they erected statues to him in all quarters of the city, and offered incense before them. Catiline caused Gratidianus to be whipped through the town, then dragged to the tomb of Q. Lutatius Catulus, where his legs and arms were broke, his eyes put out, and his hands and ears cut off; and when he had been tortured in every member, Catiline himself cut off his head, while he was yet alive, and having carried it to Sylla in the forum, went and washed his bloody hands in the lustral water, that was at the door of Apollo's temple. M. Plætorius, a senator, was put to death for fainting away at the execution of Gratidianus.

In the great danger of the proscribed was C. Julius Cæsar. His aunt had been married to the elder Marius, and he himself was son-in-law to Cinna. All Sylla's authority could not prevail with him to divorce his wife; he was, therefore, degraded from the office of flamen dialis, deprived of his patrimony, and forced to abscond to save his life. At length, the vestal virgins, and several of the chief men of Rome, earnestly entreating that he might be spared, Sylla answered, "You have prevailed; but know that he, whom you so eagerly wish to save, will one day prove the ruin of the party, which you and I have been defending. You have no

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Ascon. in
Tog. cand.
Cic. de
Offic. l. 3.
c. 20.
Plin. l. 33.
c. 9.
Liv. Epit.
l. 88.
Senec. de
Ira. l. 3.
c. 18.
Flor. l. 3.
c. 21.
Plut. in
Sylla.
Cic. de Pet.
Consul.
Val. Max.
l. 9. c. 2.
§. 1.
Vell. Pat.
l. 2. c. 41.
Sueton. in
Jul. c. 1.

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App. p.
410.

Flor. 3. 21.

Strab. l. 5.
p. 249.

Plut. in
Pomp.

Liv. Epit.
l. 89.

App. p.
410.

Val. Max.
l. 5. c. 3.
§. 5.

penetration, if in that boy you do not see many Marius's."

The tyrant, not contented with proscribing particular persons, extended his revenge to whole towns and nations. Spoletum, Interamna, Florentia, Sulmo, and Præneste, were razed to the ground, most of the inhabitants massacred, and their effects sold. All the Samnites he put to death, or banished Italy; alleging, that while they remained united, the Romans would never have peace; so that, in Strabo's days, all their towns were either in ruins, or dwindled into villages.

All Italy now submitted to the conqueror, except Nola and Volaterræ; but the Marian faction had still leaders in the provinces. Sertorius had assembled an army in Spain; Perperna prepared to defend Sicily, and the consuls Carbo and Domitius (Cinna's son-in-law) were in Africa. Pompey, in virtue of a commission from Sylla, passed with an army into Sicily, whereupon Perperna abandoned the island. Soon after, Carbo, who had left Africa to go into Sicily, stopped at Cossura, and from thence sent M. Brutus to Lilybæum, to learn whether Pompey was there. Brutus's vessel being surrounded by some of the enemy's ships, he slew himself, that he might not fall into the enemy's hands; and Pompey, having dispatched some vessels in pursuit of Carbo, took him prisoner with all his attendants. These he caused to be slain, without suffering them to come into his presence, but the consul to be brought in chains before his tribunal; and when from thence he had reproached him in a long and bitter invective, commanded him to be led to execution. [Pompey has been censured, with some severity, for his treatment of Carbo, a man who had been thrice consul, and had warmly patronized him, when all the effects of his father, Pompeius Strabo, were, after his death, going to be confiscated, for his having embezzled the public money.]

Both the consuls being dead, and the time for the

election of new magistrates approaching, Sylla left Rome, and went to his camp, from whence, by a message to the senate, he signified his desire, that they would name an interrex. The fathers pitched upon Valerius Flaccus, hoping, that he would hold the *comitia* for an election of consuls: but Sylla wrote to Valerius, advising him to propose to the people the creating a dictator, who should hold that office, not for any fixed term, but till the affairs of Rome, Italy, and the whole empire, that were in great disorder through the late wars, should be entirely settled. At the bottom of the letter he added, that with their approbation, he would burden himself with the care of doing the republic that service.

Valerius, having convened the people, proposed and passed a law, which not only constituted Sylla dictator for an unlimited time,^a but likewise ratified every thing he had hitherto done, and gave him a full and uncontrollable power^b over the lives and fortunes of his fellow-citizens: "A law (says Cicero) the most iniquitous that ever was made, and the most unlike a law:" and indeed it is harder to conceive how a law, so contrary to the very essence of civil society, should ever be proposed, than that it should pass at this juncture, without opposition.

^a There had been no dictator in the republic during the last 120 years: and this is the first instance of a dictator created by the people, or for an indeterminate time: the people had once, indeed, in a time of great distress, during the second Punic war, created a pro-dictator, but without giving him the power of naming his general of the horse. See vol. 3. p. 45.

^b "Legem interrex noster tulit, ut dictator, quem vellet civium, indictâ causâ, impune posset occidere. (1 De Leg. 42.) Omnium legum iniquissimam dissimillimamque legis esse arbitror eam, quam Lucius Flaccus interrex de Sylla tulit, 'ut omnia, quæcunque ille fecisset, essent rata.' Nam cum cæteris in civitatibus, tyrannis institutis, leges omnes extinguantur atque tollantur, hic reip. tyrannum lege constituit." Cic. in Rul. 3. 2. Beck. 3. p. 303.

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App. de
Bell. Civ.
p. 411, 412.

Plut. in
Sylla.
Cic. 3. in
Rul. o. 2.

BOOK VIII.

FROM THE YEAR 671, WHEN SYLLA WAS CREATED PERPETUAL DICTATOR TO THE COMMENCEMENT OF THE FIRST TRIUMVIRATE, FORMED IN THE END OF 693.

CHAP. I.

The laws and institutions of Sylla, when dictator. Pompey's successes in Africa : for which he obtains a triumph at his return to Rome. Sylla abdicates the dictatorship in 674 ; and dies in 675.

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Appian.

SYLLA, having rewarded Valerius, the interrex, with the office of general of the horse, came into the forum, attended by four and twenty lictors ; in whose fasces, to the great terror of the city, appeared the axes, which were never seen in the consular fasces, within the walls of Rome. Besides these lictors, he had for his guard a numerous band of ruffians, ever ready to execute his commands ; and that all this was not merely *in terrorem*, became quickly manifest.

Plut. in
Sylla.
Liv. Epit.
l. 89.
Appian.

To preserve somewhat of the old form of the commonwealth, it was the pleasure of the dictator, that consuls, prætors, and other magistrates, should be elected as usual. Lucretius Ofella, who had lately reduced Prænestes, presented himself a candidate for the consulship. The dictator forbade him to stand : nevertheless Ofella, having interest with the people, and many friends among the great, and having recently done the cause of Sylla's party so considerable a service, imagined he might safely disregard the prohibition. He persisted, therefore, to solicit the voters. The dictator, from his tribunal, observing it, sent to him a centurion, who killed him upon

the spot. A tumult and uproar^a ensued; the assassin was seized, and brought prisoner to the foot of the tribunal; "Let him go (said the dictator), he has only obeyed my orders." After this, he caused M. Tullius Decula, and Cn. Cornelius Dolabella, to be elected consuls. The government of Italy fell by lot to Decula, that of Macedonia to his colleague.

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After these elections, towards the end of January, the dictator made his triumphal entry into Rome, on account of his conquest in the east. The procession, which lasted two days, was adorned with the richest spoils of Asia:^b but neither the name of any Roman citizen vanquished by him, nor the representation of any city by him taken, that belonged to the Romans, appeared there. The principal ornament of his triumph was a long train of senators and other eminent citizens, who, having been protected by him from the fury of Marius and Cinna, followed his chariot, calling him their father and preserver, and proclaiming, that they owed to him their lives, and whatever else they enjoyed that was dear to them. At the same time, some of his soldiers, agreeably to the freedom allowed on these occasions, called his dictatorship a disguised royalty; intimating, that though he declined the title, he was in effect a king: others, who were disposed to call things by their true names, termed it a manifest tyranny, that is, an usurped despotism.

Val. Max.
1. 11. 8.

Plut. in
Sylla. 473.

App. p.
414.

^a Appian tells us that on this occasion, Sylla spoke thus to the people: "A countryman, being bitten by vermin, cleared his shirt of them once or twice; but when he found himself again teased by them, he threw his shirt into the fire. Make the application." p. 410.

The same author (p. 413.) says, that Ofella was treated with this rigour, because he had the audaciousness (in violation of a law, which the dictator had lately published) to sue for the consulship, though he had not yet been either prætor or quæstor, but was still in the order of knights. But Vell. Pat. (l. 2. c. 27.) tells us, that Ofella was prætor when he left Carbo's party, and went over to Sylla: and it is not probable that Sylla's institutions were yet published.

^b Pliny (l. 33. c. 1.) tells us, that on the first day were carried 15,000 pounds weight of gold [*i. e.* 960,000*l.* sterl.] and 115,000 pounds weight of silver [which is 371,354*l.* 3*s.* 4*d.* sterl.] which he had amassed in the war against Mithridates. And that on the second day were carried 13,000 pounds weight of gold [*i. e.* 832,000*l.* sterl.] with 6,000 of silver [*i. e.* 22,604*l.* 3*s.* 4*d.*] which had been saved when the Capitol was burnt, and had been transported to Præneste by the younger Marius.

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sulship.

Plut.

The ceremony over, Sylla ascended the rostra, and, in a studied speech, gave a pompous account of his exploits, ascribing all his success to fortune, and desiring they would give him no other surname but that of Fortunate (Felix);^c which, accordingly, was given him in the inscription upon the pedestal of the gilt equestrian statue, erected, at this time, to his honour by a decree of the senate.^d

Though Sylla, by assuming the dictatorship, for an indeterminate time, brought the Romans, originally governed by kings, to be again subject (as Appian observes)^e to regal domination; yet from some of the first acts of this new king, it would seem, that he never meant to retain the sovereignty longer than till he had satiated his revenge, and could return, secure of impunity, to the condition of a private citizen. That he might be able to make a safe retreat from public life, he laid the foundation of an aristocracy in the Roman state, by such ordinances as, upon his abdication of the dictatorship, would leave all authority and power in the hands of the senate: taking especial care, at the same time, that the senate should consist wholly of his own creatures. His proscriptions had very much thinned the assembly, and had left in it (we may presume) few or none, but such as he believed to be entirely at his devotion. To these he added 300 of the most considerable men of the equestrian order: but in making this

Liv. Epit.
l. 89.
App. de
Bell. Civ.
413

^c Sylla, in writing to the Greeks in their language, styled himself Epaphroditus, Beloved of Venus, in that manner translating the word felix. His trophies, that were still extant in Plutarch's time, bore this inscription, LUCIUS CORNELIUS SYLLA EPAPHRODITUS. And when his wife Metella was delivered of twins, a boy and a girl, he gave to both the name of Happy, calling the boy Faustus, the girl Fausta. Plut. in Sylla.

^d The triumph was followed (if we may believe Appian) by magnificent games; for the celebration of which, Greece was exhausted of all her best performers in every kind of exercise; insomuch, that, at the Olympic Games, there was no contention this year, but in the exercise of running [πλὴν σταδίου δρόμου]. App. p. 412.

^e Οὕτω μὲν δὴ Ῥωμαῖοι βασιλεῦσιν — — χρησάμενοι — — αὐθις ἐπειρῶντο βασιλείας. App. de Bell. Civ. l. 1. p. 412.

N. B. It appears from these words, that Appian did not think the government of Rome to have been in the time of its kings so democratic as Dr. Middleton and Dr. Chapman have represented it. See Observations, &c. p. 99.

addition, he complimented^f the people with the choice of the persons, gathering the votes of the tribes upon

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^f From Sylla's remitting to the people the nomination of the 300 knights, who were to have admission into the senate, Dr. Middleton would infer a probability, that the people, in virtue of a constitutional right, had, in all times, filled up, by their elections, the vacancies which happened in that house. (Middleton's Treatise on the Roman Senate, p. 73.) He might, with almost as good reason, have inferred, from Sylla's being named by the people to the dictatorship, that it had ever been the custom for the people to choose the dictators.

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sulship.

As Sylla, by appropriating to the senators the honour of judicature, deprived the people of the privilege of annually choosing the persons, who were to perform the office of judges; his view, perhaps, in taking the votes of the tribes upon the 300 knights, whom he recommended to them for senators, was to lessen the discontent of the multitude; this compliment carrying some appearance of remitting to them, for the present, the nomination of the greater part of the judges.

Appian (de Bell. Civ. p. 386.) speaks of a prior addition of 300 members to the senate, in the year 665, when Sylla was consul, and says, that this election was made from the most reputable of the citizens, ἐκ τῶν ἀρίστων ἀνδρῶν. But Dr. Middleton in his Treatise on the Roman Senate, takes no notice of this pretended prior addition: he says only, that "Sylla when it (the senate) was particularly exhausted, added 300 to it at once from the equestrian order; which might probably raise the whole number to about 500, and in this state it seems to have continued till the subversion of their liberty by J. Cæsar. For Cicero, in an account of a particular debate, in one of his letters to Atticus, mentions 415 to have been present at it, which he calls a full house." Middleton's Treatise on the Roman Senate, p. 91.

Father Catrou, the Jesuit, passes over the pretended addition of 300 members made to the senate by Sylla in 665, without taking the least notice of it in his text, as if he gave no credit to Appian's report: and though it be mentioned by F. Rouillé, in a note on the other's text, it is mentioned only as a report made by Appian. M. Crevier omits it entirely; and Pighius, in this particular, pays no farther regard to Appian's authority, than to say in general terms, when speaking of Sylla's consulship in 665, *ampliavit senatum*.

But Dr. Chapman takes for granted the prior addition of 300 members reported by Appian. "We are not, however (says the doctor), to suppose from this, or even the second lection made by Sylla, when raised to the dictatorship, that the senate from this time amounted to 600: for as the house is said to have wanted much of its due complement in both these instances, it is probable it fell considerably short of that number, even after each of these two additions was actually made. What therefore the senate's precise number was from hence forth, we cannot take upon us to determine. Only as Cicero (Attic. l. 1. 14.) in speaking of a debate about twenty years afterward, mentions 415 members being then in the house, it is probable, that the whole in Sylla's time amounted to five hundred at least."

As to the precise number of members, of which the senate, after the addition to it of 300, did immediately consist (and of which Sylla intended it should, for the future, always consist when complete), if we cannot ascertain it, yet, perhaps, by the help of some considerations, which the state of things at that time suggests, we may make a reasonable conjecture. Tacitus tells us (as we see above in the text), that by one of Sylla's laws, twenty quæstors were to be created annually for supplying the senate, to which he had transferred the judicature. "Lege Syllæ viginti (quæstores) creati supplendo senatui, cui judicia tradiderat." (Tacit. Ann. 11. 22.) Pighius from these words gathers, that Sylla augmented the number of the quæstors for this end principally, that there might be a greater choice of men in the senate, to serve occasionally as judges, the sole right of judicature having been just transferred to the senators. "Ex quibus verbis fit verisimile, in eum maxime finem ampliassse quæstorum collegium, uti uberius deinceps suppeteret iudicium e senatu selectio. Nam e senatu dicebantur esse non solum patres conscripti vel senatores a censoribus lecti in eum ordinem, sed etiam populi honoribus usi, quibus in senatum venire licebat, et sententiæ jus habebant." (And he conjectures from some passages in Tacitus and Cicero, that by Sylla's law for creating twenty quæstors, one half of the number was to be chosen by the people, the other named by the consuls.)

That Sylla, when he augmented the number of the quæstors from eight to twenty, had the judicature in view, can hardly be questioned: not that this augmentation

Rev. Epist.
I. 89.
App. de
Bell. Civ.
415

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sulship.

Cic. in
Verr. 2.

every individual of the 300 knights, proposed to them for their approbation; a choice, in which they were, unquestionably, just as free, as they had been in their election of him to be perpetual dictator.

And now he restored to the senate a privilege which they had many years lost (and by their misbehaviour had very justly forfeited), ordaining, that none but senators should for the future be appointed to the office of judges.

Tacit. An.
11. 22.

And that the august assembly, thus augmented and thus honoured with the judicature, might thereafter have the contingent vacancies in their house regularly filled up with properly-qualified persons, he ordained, that, instead of only eight quæstors, as before, twenty should be annually created.

Vell. Pat.
l. 2. c. 30.
Liv. Epit.
l. 89.

But, in order to raise and establish more effectually the authority of the senate, the dictator almost totally annihilated that of the tribunes,

By depriving them of the power of legislation ;^s

would of itself be effectual for supplying the public with a competent number of persons to perform occasionally the office of judges : but would perhaps be sufficient to keep the senate up to its due complement of members, after his introduction of the 300 knights into it, and his consigning the judicature wholly to the senatorian order. To provide judges, in sufficient number, was his object in making, at once, so large an addition of members to the senate : to keep the senate full, after that addition, was his object in augmenting the number of the quæstors. By the Plautian (or Plotian) law (vid. supra, ann. 664.) it had been ordained, that each tribe should, annually, choose out of its own body fifteen persons, to serve as judges ; and the honour was made common to all the three orders (senators, knights, and commoners, *i. e.* the plebs.) according as the votes carried it in every tribe. “ Cn. Pompeio Strabone, L. Porcio Catone Coss. secundo anno belli Italici, cum equester ordo in judiciis dominaretur, M. Plautius Silvanus legem tulit, adjuvantibus nobilibus :—Ex ea tribus singulæ quinos denos ex suo numero creabant suffragio, qui eo anno judicarent.” (Cic. pro Cornel. et ad Att. 4.) The number of persons qualified, by this law, to sit as judges, was therefore (thirty-five times fifteen) 525. Now supposing the house to have had its usual complement of 300 members, at the time when Sylla proscribed ninety of them (Appian, p. 415.) if to the remaining 210 we add the 300 knights, and the twelve additional quæstors, the sum total of the members of the house will be 522 ; a number almost the very same with that of the persons which the tribes, in conformity to the Plautian law, furnished annually by election to serve as judges ; and if we suppose (and surely there is reason to suppose) that the state had found it necessary or expedient (after taking the judicature from the numerous body of the knights) to provide so large a number as the Plautian law prescribed, of qualified persons, out of which to choose the judges, this will account both for Sylla’s adding so many members at once to the senate, and for the provision he made to keep the number always complete ; and it may, perhaps, be thought no weak reason for our fixing the due complement of the senate at 525.

^s Mr. Kennet says, that Sylla deprived the tribunes, not only of the power of making laws, but of interposing (intercession), of holding assemblies, and receiving

And by decreeing, that no citizen, who had served in the office of tribune, should ever be capable of holding any superior dignity; a decree which would naturally hinder all persons, whose high birth, or extraordinary talents, might render them formidable to the aristocratic faction, from seeking, or even coveting the tribuneship.

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sulship.

App. de
Bell. Civ.
p. 413.
D. Hal. l. 2.
Dio. l. 37.

Not content with humbling the people, by this diminution of the power of their tribunes, the dictator took from the tribes the privilege they had obtained by the Domitian law, of filling up, by their elections, the vacancies which happened in the several colleges of the pontiffs, augurs, and guardians of the Sibylline books; and restored to these colleges the power of supplying their vacancies by co-optation: increasing, at the same time, the number of members in each college from ten to fifteen.

With regard to the civil magistracy, the dictator enacted, that, whereas certain intervals had been required by law between the offices of ædile and prætor, and of prætor and consul, it should be permitted for the future, to sue for the higher office immediately after having held the lower. No man, however, was to stand for the prætorship, who had not been quæstor; nor for the consulship, who had not been prætor: and he revived the law, which forbade the conferring on any citizen a

App. de
Bell. Civ.
p. 413, 414.
Pigh. Ann.

appeals; and for this he cites Cic. de Leg. l. 3. Cæs. Com. de Bell. Civ. Florus, Plutarch, &c. I have not been able to find all this either in the authors named, or in &c. We have Cæsar's authority for Sylla's leaving to the tribunes the power of intercession. "Neque etiam extremi juris intercessione retinendi, quod L. Sylla reliquerat, facultas tribuitur." (Cæs. de Bell. Civ. l. 1. c. 5.) And we have, seemingly, Cicero's authority for Sylla's leaving to the tribunes the power of receiving appeals; unless by *potestatem auxilii ferendi* he means no more than the power of preventing oppressive laws, by their veto. "Quamobrem in ista quidem re vehementer Syllam probo, qui tribunis plebis, suâ lege, injuriæ faciendæ potestatem ademerit, auxilii ferendi reliquerit." Cic. de Leg. 3. 9.

M. Crevier (upon what authority I know not) writes, that, by one of Sylla's ordinances, the tribunes were to be always elected out of the body of the senate: to Appian, it was not clear that Sylla made this regulation, though it afterward prevailed, οὐκ ἔχω σαφῶς εἰπεῖν, &c. "nec constat an eam (tribunitiam dignitatem) ut nunc est, a plebe ad senatum transtulerit." App. de Bell. Civ. p. 413.

N. B. Whether this regulation was made by Sylla, or afterward, it carries a proof, that the quæstors did not always, by their office, become senators, as Dr. Middleton will have it; or that the tribunes did not, in their way to the tribuneship, always pass through the quæstorship, for which the doctor likewise contends.

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B. C. 80.

371st con-
sulship.

Pomp. de
Orig. Jur.

Cic. Philip,
2.

Cic. in
Verr. 4,

second consulship, before ten years were elapsed from his holding that dignity.^h

And having first augmented the number of the prætors from six to eight, he decreed that, of these eight, six, at least, should continue at Rome, a whole year, to preside in the several courts of justice, and should, afterward, have their provinces assigned them by lot.

And whereas it was the custom for the prætors, when they entered on their office, to fix up an edict, declaring the method in which they would proceed in trying causes, during their year, which method their successors (being under no obligation to observe it) did not observe, so that the forms of process were continually changing; Sylla, to remedy this inconvenience, ordained, that the prætors should always use one and the same method in their judicial proceedings.

And he farther decreed, that it should no longer be permitted to reject above three of the judges appointed to sit upon a cause: and that in criminal causes the votes might be taken, either publicly, or privately, at the option of the person accused.

The ancient penalties for bribery and corruption in trials were revived, and such precautions taken, as would be most likely to recover the honour of the senatorian judges, who, formerly, when in possession of the judicature, had not behaved themselves in a manner that did them much credit.

To these regulations concerning the senate, the priests, and the magistrates of the city, the dictator added others relating to the governors of the provinces. He decreed that no governor should lead his army out of his province, or himself leave the province, without an order from the Roman people, or senate.

^h This law had been often violated of late years, and if Sylla restored it at this time, he himself afterward dispensed with it: for, the very next year, he caused himself to be elected consul, though he had been in that magistracy but seven years before. M. Crevier, therefore, with reason, thinks it probable that the revival of this law was not till after the second consulship of Sylla.

That whoever was sent with any command into a province, should hold that command till he was expressly recalled, whereas, before, that office of a commander continued no longer than a set time, upon the expiration of which, if no successor came, he was put to the trouble and inconvenience of getting a new commission from the senate.

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sulship.

Cic. Ep. 9.
ad Lentul.
et ad Attic.
Ep. 6. l. 3.

Nor was any commander to remain, after the arrival of his successor, more than thirty days in his province.

Cic. Ep.
Fam. 6. l. 3.

Nor, at his departure from it, to exact from the inhabitants a greater sum than was allowed by the laws.

The reformation of the morals of private men had likewise some share of the dictator's attention.¹

Ever since the times of the civil wars, when licentiousness universally prevailed, the crimes of perjury, forgery, robbery, rape, poisoning, and assassination, had been very common. He undertook to check the farther progress of these evils by enforcing the penalties, which the ancient laws had denounced against the guilty, and by making the sanctions even more severe: only with regard to assassins, an exception was made in favour of those who had killed any of the proscribed.

Cic. pro
Cluent.

As to the rest of the proscribed who by flight, had escaped being murdered, he made a law, that wherever they were found, they should be put to death as enemies of the republic; and that all who had concealed them, should be subject to the same penalty; that their estates should be sold by auction, and their children should be for ever incapable of holding any magistracy: but that such persons as had embraced his party in the late troubles, should have the privilege of bearing honours before they were legally capable by age.

Cic. pro
Ros. Am.
Plin. l. 7.

Quintil.
l. 11. c. 1.
Cic. in Pis.

At the public sale of some of the confiscated estates he himself presided, calling them spoils, as if they had

¹ We are told, that he laid a restraint upon the disposition to make expensive entertainments; but that he did this, chiefly, with a view to lower the price of provisions: that he likewise made a law to repress the prevailing folly of making costly and pompous funerals. Macrob. Sat. l. 3. Cic. Verr. 3. Plin. l. 33. A. Gell. l. 2 c. 24.

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sulship.

Cic. de Off.

11. 8.

Plut.

been taken from a foreign enemy : and the estates, which he gave away, he bestowed in so despotic and haughty a manner, as by this to give more offence than even by the violence with which he had seized them. He made presents of the revenues of a whole city, a whole province, to women, to musicians, to players, and to the most worthless freedmen.^k

But the dictator did not confine his bounties to that sort of people ; he extended them to his most illustrious partisans, and particularly to the gold-thirsty Crassus.^l

Notwithstanding the low^m price at which the estates

^k Cicero, in his oration for the poet Archias, mentions one of Sylla's presents made in pleasantry. When the dictator was presiding at the sales, a bad poet presented him with an epigram which had no other resemblance to poetry, than that every line was longer or shorter than the line which stood next to it. To reward his zeal, Sylla gave him something of what was then exposed to sale, but upon express condition, that he should make no more verses.

^l We are told, that, for the sake of seizing upon the fortune of a very rich man, Crassus ventured, of his own private authority, to proscribe him; and that this so highly displeased Sylla, that he never after gave him any employment. Plut. in Crass.

^m The estate of Sextus Roscius, worth about 60,000*l.* was sold for less than 70*l.* to Chrysogonus, a favourite freedman of Sylla.

This Roscius, one of the most considerable citizens of Ameria (now Amelia in the dutchy of Spoleto), was assassinated in Rome, and, though it was several months after the cessation of proscriptions, his name, in order to screen the murderers, was foisted into the list of the proscribed, by the contrivance of Chrysogonus ; who, for the trifling sum above mentioned, got the estate of the deceased adjudged to him : and, the more effectually to secure his possession of it, he engaged Sylla to direct a prosecution against the son of Roscius, as the murderer of his father, (Plut. in Syll.) " and had provided evidence to convict him ; so that the young man was like to be deprived, not only of his fortune, but, by a more villanous cruelty, of his honour also, and his life. All the old advocates refused to defend him, fearing the power of the prosecutor, and the resentment of Sylla ; (Cic. pro Rosc. Amer. 10, 11.) since Roscius's defence would necessarily lead them into many complaints on the times and the oppressions of the great ; but Cicero (who was then but in his twenty-seventh year) readily undertook it. The popularity of his cause, and the favour of the audience, gave him such spirits, that he exposed the insolence and villany of the favourite Chrysogonus with great gaiety ; and ventured even to mingle several bold strokes at Sylla himself ; which he took care to palliate, by observing, that through the multiplicity of Sylla's affairs, who reigned as absolute on earth as Jupiter did in heaven, it was not possible for him to know, and necessary even to connive at many things, which his favourites did against his will. (pro Rosc. 45.) He would not complain (he says) in times like these, that an innocent man's estate was exposed to public sale ; for, were it allowed to him to speak freely on that head, Roscius was not a person of such consequence, that he should make a particular complaint on his account ; but he must insist upon it, that by the law of the proscription itself, whether it was Flaccus's the interrex, or Sylla's the dictator, for he knew not which to call it, Roscius's estate was not forfeited, nor liable to be sold. (Ib. 43.) In the conclusion, he puts the judges in mind, that nothing was so much aimed at by the prosecutors in this trial, as, by the condemnation of Roscius, to gain a precedent for destroying the children of the proscribed : he conjures them, therefore, by all the gods, not to be the authors of reviving a second proscription, more barbarous and cruel than the first : that the senate refused to bear any part in the first, lest it should be thought to be authorized by the public council : that it was their business, by this sentence, to

of many persons were sold, near 2,000,000 sterling, arising from the confiscations, came into the public treasury.

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While Sylla was thus employed in new-modelling the state, the war went on abroad against the remains of the Marian faction, in all parts whithersoever any of them had fled.ⁿ

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sulship.

In Italy, Nola and Volaterræ made a brave defence for two years, but were at length reduced and levelled with the ground.

When Pompey had established the peace of Sicily, he received orders to go into Africa, where Domitius Ænobarbus, Cinna's son-in-law, supported by Hiarbas, king of one part of Numidia, was assembling forces. Pompey left the island with six legions, 120 ships of war, and 800 transports, loaded with all kinds of stores. Part of the fleet anchored at Utica, the rest at Carthage.

Plut. in
Pomp.

His march was retarded a few days by a ridiculous adventure. Some soldiers having found a treasure in the field where the camp was pitched, the whole army became at once confidently persuaded, that the field was full of gold and silver, hid under ground by the Carthaginians in the time of their calamities. Instantly every man furnished himself with a pick-axe, and to digging they went. Pompey, not being able to divert them from their pursuit, only laughed at the sight of so many thousand men turning up the earth to so little purpose. Weary at length of their fruitless labour, they signified to their general, that they had been justly punished for their credulity, and were ready to march whithersoever he pleased to lead them. A battle ensued; victory declared for Pompey, whereupon his soldiers proclaimed

put a stop to that spirit of cruelty, which then possessed the city, so pernicious to the republic, and so contrary to the character and temper of their ancestors.—Roscius was acquitted, to the great honour of Cicero." See Midd. Life of Cicero, vol. 1. p. 37—40.

ⁿ Norbanus (the colleague of Scipio in the consulship, year of Rome 670), who had taken refuge in Rhodes, upon the first news of a demand from Sylla to deliver him up, killed himself in the forum of the city.

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him emperor. He declined the honour, which, he said, he could not deserve, so long as the enemy's camp subsisted. Hereupon they instantly marched to attack it, though the day was far spent. Pompey, in the heat of the late battle, not giving a ready answer to one of his soldiers who asked him the word, had like to have been killed by him; for which reason, he fought in the present action bareheaded. Domitius was killed, and his camp taken; of 20,000 men, whereof his army had consisted, scarce 3,000 escaped. The whole country presently submitted, and Pompey entered Numidia: Hiarbas being killed, or taken prisoner, his dominions were given to Hiempsal, king of another part of Numidia. This expedition, so successful and glorious for Pompey, being finished in forty days, he straight returned to Utica.

On his arrival there, he received orders from Sylla to send back his whole army, except one legion, with which he was to remain in the province till a successor came. Pompey, though much displeased with these orders, resolved to obey. His troops were not of that mind; they mutinied openly, and declared they would not suffer him to put himself defenceless into the hands of the dictator, whom they made no scruple to call a tyrant. Pompey did all he could to appease them; but, notwithstanding his entreaties, and even tears, they replaced him several times upon his tribunal, nor could he quiet them till he had protested, that, if they did not cease their violence, he would instantly kill himself.

This commotion, in the first accounts brought of it to Rome, was related so imperfectly, that Sylla imputed it to Pompey, and on that occasion said, it was his destiny to be obliged in his old age to make war with children, meaning the younger Marius and Pompey. But when the matter came to be cleared up, and the public had declared in favour of the young conqueror, the dictator resolved to do him all kinds of honour; and, ac-

cordingly, went out to meet him on his arrival at Rome, and saluted him by the title of *The Great*.^o Nevertheless, when Pompey demanded a triumph, the dictator refused it, representing to him, “That, by law, no one could have that honour, who had not been consul or prætor : for which reason, it had not been granted to the first Scipio Africanus, who had done very great things in Spain : that if a man, too young to have even a place in the senate, should be allowed to triumph, it would render odious, not only him, who, contrary to law, received that honour, but the supreme magistrate who granted it.” And he concluded with expressly declaring to him, that he would not suffer him to triumph. Pompey, in answer, desired him to consider, that the rising sun had more worshippers than the setting sun. Sylla did not hear these words, but, observing an air of astonishment upon every face, he asked the meaning of it. Then somebody repeated what Pompey had said : and the dictator, struck with the boldness of the expression, instantly cried out, “Let him triumph, let him triumph.”

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sulship.
Magne.
Plut.

Accordingly, the young general, not even a senator, a Roman knight only, had a triumph^p for his victories over Hiarbas and the Numidians : and the people were highly delighted to see him, after he had received that honour, continue still in the equestrian rank.

Sylla, though he retained the dictatorship, did not choose to abolish the consulship. At the usual time for electing consuls, he caused himself, together with Q. Cæcilius Metellus Pius, to be named to that magistracy. The dictator had a particular kindness for Metellus

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sulship.

^o According to Plutarch, this was the origin of that surname given to Pompey. But Livy (l. 30. in fine) makes it owing to the flattery of his friends. Be that as it will, he did not himself assume the title till some years after, when he made war against Sertorius in Spain. Plut.

^p We are told that Pompey's soldiers, not being content with the money he had distributed among them, threatened to interrupt the ceremony of his triumphal procession ; and that he declared, he would rather renounce his triumph than humour them ; which made Servilius, an eminent senator, say of him, that he now deserved the honour, and was truly great. Plut.

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B. C. 79.

372d con-
sulship.

Pius,^a as being the first Roman general, who, with an army, had joined him.

Though Sylla, by the methods, which have been related, had secured to his interest the principal nobles, and indeed the whole senate, he would not neglect to make himself creatures, even among the lowest order. Of the slaves belonging to the proscribed he enfranchised 10,000 young men, who all became Roman citizens, and, from the name of their patron Cornelius, were (according to custom) called Cornelians. But the most powerful support, which he provided for himself and his party, were the military colonies which he distributed throughout all Italy. Having confiscated the lands of a great number of municipal cities, which had favoured his enemies, he divided those lands amongst the officers and soldiers of three and twenty legions. These amounted to above 100,000 fighting men, who, owing their fortunes and establishment to his decrees, would, of course, be ever ready to support both him and them.

Year of
R O M E
674.
B. C. 78.

373d con-
sulship.

By all these murders, proscriptions, confiscations, grants, laws, and regulations, Sylla became able, with safety, to abdicate the dictatorship, and return to a private life; which he did soon after. His first step towards the execution of this design, was a refusal of the people's offer to continue him in the consulship. He caused his old friend, P. Servilius Vatia (afterward surnamed Isauricus), and App. Claudius Pulcher, to be elected consuls.

And now, to the great astonishment of the public, Sylla, in the highest fortune, to which any mortal had ever attained, and in possession of the most extensive despotism, resigned of his own mere motion, and with-

^a Metellus Numidicus, the father of Pius, had been banished by Saturninus, and restored by the tribune Calidius. This Calidius standing for the prætorship, Metellus Pius not only solicited the people for him, in the most pressing manner, but, though actually consul, and of the first class of the nobles, condescended to style Calidius his patron, and the protector of his family. Cic. pro Plane.

out the least compulsion from any quarter, the reins of government to the new consuls, and retired from public life.^r

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R O M E
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The ceremony of his abdication passed in the calmest manner possible. He came to the forum with his lictors and guards, mounted the rostra, and from thence declared to the people assembled, that he abdicated the dictatorship, and was ready to give an account of his administration to any person who should require it of him. He then came down, dismissed his lictors and guards, and, accompanied only with a small number of his friends, walked serenely up and down the forum, every body struck with amazement, and scarce believing the testimony of their own eyes.^s He received no affront, no mark of disrespect, but from one young man: this youth not only attacked him with injurious language, while in the forum, but with repeated insults and reproaches, followed him quite to his house. Sylla seemed undisturbed; he only said, as he entered the door, "The behaviour of this young fellow will hinder

373d con-
sulship.
Appian.

^r We are told, that Sylla was the last of the Roman generals who removed the bounds, and enlarged the circumference of the city. This was an honour and privilege permitted to those only who by their exploits had extended the empire of the republic. Tacit. 12. 23. Senec. de Benef. 5. 16.

^s Sylla, after his abdication, made an offering of a tenth part of his effects to Hercules. On this occasion, he feasted the people during several days; and such profusion there was in his banquets, that every day a great quantity of provisions was thrown into the Tiber. During this feast, his wife Metella fell dangerously sick. Religious rejoicings were not to be profaned by any melancholy circumstances of death, or mourning. Sylla, therefore, exemplarily religious, did, by order of the pontifices, send her a bill of divorce, and caused her to be carried, while yet living, into another house. In this particular he was a strict observer of the law; but, at his wife's funeral, he violated a law, which he himself had made, to limit the expense of funerals, as he did likewise that which he had enacted against too expensive entertainments. To console himself for his loss, he passed his days in luxurious feasting and debauchery. Some months after, he entertained the public with a show of gladiators; and as, on those days, men and women sat promiscuously together, Valeria (the daughter of Messala, and sister of Hortensius, the famous orator), who had been a few days before, divorced from her husband, happened to sit near Sylla; she was beautiful, gay, and lively, but virtuous, and of an unblemished reputation. She came behind him, and, resting her hand gently upon his shoulder, took away a thread of his robe, and then returned to her seat. He, turning about, looked as if surprised at her familiarity; whereupon Valeria accosted him thus, "It was not out of any want of respect, but from a desire to partake of your good fortune." Sylla was not displeased with this answer, and they immediately made love to each other by their eyes, and, in a short time after, he married her. His marriage, however, with the beautiful Valeria, did not prove a charm sufficient to restrain him from an infamous commerce with actresses and singing-women.

Vid. supr.
p. 229.

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674.
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any man, who may hereafter be in the station which I have held, from ever entertaining the thoughts of quitting it."

373d con-
sulship.
Plut. in
Sylla
et Pomp.

Sylla, when he abdicated his sovereign power, did not renounce all attention to public affairs; he endeavoured to hinder Lepidus from being chosen consul for the ensuing year, but failed of success; because Pompey with his whole credit, supported the candidate. Observing that Pompey was much elated with this victory, he said to him, "You have great reason, indeed, to triumph, it is a glorious exploit to have caused Lepidus, the most seditious of men, to be named to the consulship, and even before Catulus, the most virtuous citizen of Rome. Be upon your guard, however, for you have been arming an enemy against yourself."

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675.
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The next year, when M. Æmilius Lepidus and Q. Lutatius Catulus had the consular fasces, was the last of Sylla's life.

374th con-
sulship.
Appian.
Plut.

He had retired to his country house, at Cumæ, where he abandoned himself to pleasure. In the midst of his banquetings and debaucheries, he was seized with a horrible distemper, called the lousy disease; his entrails were corrupted, and his flesh was full of vermin, the multitude and rapid propagation of which rendered fruitless all the pains that could be taken to make him clean, by bathing and rubbing him, and continually changing his linen. In this miserable condition, to divert his thoughts as much as possible from it, he had recourse to business. Ten days before his death, being informed that the people of Puteoli, in his neighbourhood, were at variance among themselves, he drew them up a body of by-laws for their better government.

Appian.
Plut. in
Pomp. et
Lucull.

He amused himself likewise with revising, or enlarging his Commentaries, which are frequently quoted by Plutarch. About three days before he died, he made his will, in which he remembered all his friends, except Pompey, to whom he left no legacy: nor did he name

him among the guardians of his son, then an infant almost in the cradle; but he expressed great affection for Lucullus, to whom he inscribed his Commentaries, and whom he appointed to be one of his son's guardians. And it is said, that this gave birth to the misunderstanding between Lucullus and Pompey, which arose afterward to a very great height.

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sulship.

A few days before his death he composed his own epitaph, wherein we may read, not only his true character, but a satisfactory answer to that question, How could Sylla, after so many murders, and other violences, relinquish with safety his sovereign power? The epitaph was in substance to this effect, that no man had ever outdone him, either in obliging his friends, or in avenging himself on his enemies.

Some think, that Sylla's abdicating the dictatorship infallibly proved that ambition was not his predominant passion^t, and that he had seized the sovereign power only to make sure of his revenge. This vindictive spirit continued with him to the last, as appears by his treatment of Granius, the chief magistrate of Puteoli. A certain tax had been imposed on all the cities for the reparation of the Capitol. Granius had received the contributions of his fellow-citizens, but deferred paying in the money, imagining he should be able to retain it for his own use, in case Sylla died soon. Sylla, informed of this, and enraged at the insolence of a man who built hopes upon the prospect of his speedy death, sent for him, and caused him to be strangled in his presence. The anger and violent agitation he was in, on this occasion, broke an imposthume within him: he threw up a vast quantity of black and corrupted blood, and died the night following, through extremity of pain, having concluded all the acts of his life with a stroke of dear revenge.

Plut. in
Sylla.

^t Others are of opinion, that this is no proof of moderation in the ambition of Sylla; but rather of his good sense and prudence, being aware that he had made some of his creatures (Pompey in particular) too powerful to remain subject to his despotism.

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B. C. 77.

374th con-
sulship.

Appian.
Plut. in
Sylla. et
Pomp.

Such was the end of the famous Cornelius Sylla. The consuls had a warm dispute about his funeral. Lepidus was for having him privately interred in the burying-place of his ancestors; but Catulus, supported by Pompey, prevailed to have his body carried in great pomp^u through the streets of Rome, and burnt in the Campus Martius; Sylla being the first of the patrician branch of the Cornelian family whose corpse was not interred. It was feared that his bones might one day be treated as he had treated those of Marius, which he had caused to be dug up, and thrown into the river. The tomb, in which the ashes of Sylla were deposited, was in Plutarch's time still to be seen in the Campus Martius, with that epitaph upon it which has been before mentioned.

CHAP. II.

Lepidus attempts, unsuccessfully, an imitation of Sylla. In 676, Pompey is sent into Spain against Sertorius.

THE dangerous example of a private citizen, who had found means to raise himself to sovereignty, and maintain himself in it, made those who came after him sensible that the Romans could bear a master; a discovery

^u From his house at Cumæ, where he died, his body, dressed in a triumphal robe, was carried to Rome upon a bed of state, glittering with gold; four-and-twenty lictors walked before it with rods and axes. Of those persons who had served under him, and had partaken of his favours, so great a number came to pay their last duties to their general, that they formed rather the appearance of an army than that of a funeral procession. In the ceremony of his obsequies, the colleges of the priests, and the vestals surrounded the corpse; then marched the senate, with the magistrates habited in the robes of their respective dignities: after these came the Roman knights; and the troops, with their golden eagles and arms resplendent with silver, closed the march; the trumpets all the way sounding mournful airs.

When they came to the forum they stopped; and there (Sylla's son Faustus being too young for the office) the best orator of Rome (who is not named) made the funeral panegyric: after which (if we may believe Appian, whom M. Crevier thinks undeserving of credit in this instance) some of the most vigorous of the younger senators took the body upon their shoulders, and carried it to the Campus Martius, where the funeral pile was erected. The ladies signalized their respect for the deceased, by an almost incredible quantity of aromatic spices, furnished at their expense, to be consumed on this occasion. For beside 210 great baskets of perfumes, they had caused a statue of Sylla to be made to the life, and another of a lictor bearing the fasces before him, and both of cinnamon and other precious aromatics.

[Need we any other proof of the perfect security with which Sylla could retire from public life, when we find he had thus gained the hearts of the Roman ladies?] The knights and principal officers of the troops set fire to the pile.

which proved the source of more revolutions. Scarce were the eyes of Sylla closed, when Lepidus formed the project of ascending to the same height of power.

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675.
B. C. 77.

We have frequently seen, in the course of this history, that the great men of Rome, to promote the views of their ambition, had made use of one of these two pretences, the interest of the people, or that of the senate. Lepidus had indeed, to accommodate himself to the circumstances of things at that time, declared for the senate: but as his colleague Catulus, Pompey, Metellus and Crassus, all men of more weight and interest than himself, were the chiefs of that faction, he thought he should make a more considerable figure, if he espoused the Marian cause; most of whose champions had been destroyed in the civil war. To give new life to this faction, at this time almost extinguished, he proposed to abolish some of the laws made by Sylla. Catulus, the other consul, opposed his design with a steady courage and resolution. Hereupon the two factions ranged themselves under their respective leaders. Lepidus had gained the populace. He raised forces in Hetruria, where the remains of Marius's faction had made a brave defence during two years. He drew together all the proscribed who had escaped death: and when his partizans were sufficiently numerous to form an army, he took off the mask, and put himself at their head.

374th con-
sulship.

As his strength was not yet considerable, Catulus was of opinion, that he should be pushed to the utmost; but the majority of the senate inclined to gentler measures, and to negotiation; they sent deputies to Lepidus, and an accommodation was concluded; the principal conditions were, that the two consuls should take an oath not to employ arms against each other, and that Lepidus should have the government of Gallia Narbonensis, with the command of an army.

This army he led into the province assigned him, and there remained till the year of his consulship was ex-

Year of
R O M E
675.
B. C. 77.

374th con-
sulship.

pired, without returning to Rome to hold the assembly for electing new consuls, which it was his function to do. We are told, that he thought his oath obliged him no longer than the year of his office; at the expiration of which he should be at liberty to employ, against his adversaries, those forces which they had imprudently put into his hands. The year expiring without the election of new magistrates, an interregnum ensued: and Lepidus, leaving in Gallia Cisalpine a body of troops under M. Brutus, to keep that country in his interest, advanced with the greater part of his forces to demand at Rome a second consulship.

Among the fragments of Sallust there is an harangue, spoken on this occasion, by the orator Philippus. He reproached^x the senators with their indolence, whereby they had given a seditious man an opportunity of making himself formidable: and he concluded his speech in the following manner—"As Lepidus is marching with an army against the city, and has associated himself with the vile enemies of the republic, in contempt of the authority of this assembly, I am of opinion, that App.

^x "When you entered into a treaty with Lepidus, he was only a thief, supported by a small number of cut-throats, always ready to risk their blood and their life for bread; he is now a proconsul invested with a command, which he did not buy, but which you gave him. From all quarters he has gathered about him the most corrupt in the different orders, men whose indigence and vices made them capable of daring any thing, and who, tormented with the remembrance of their past crimes, can find no repose but in seditions; to them peace is a state of violence. These are the men who make insurrection succeed to insurrection, and civil war to civil war; adherents formerly to Saturninus, then to Sulpicius, afterward to Marius and Damasippus, and lastly to Lepidus.—Are you moved by his proposals? he demands, that to every man should be restored what appertains to him, and is himself rich only by possessing the fortunes of others. He is for having the laws, founded upon the rights of war, abolished, and to this he would reduce us by force of arms: for the sake of peace and concord he would have you re-establish the tribunitian power, from which all our civil dissensions arose."

The orator then apostrophising Lepidus as if present—"O thou the most vile and impudent of mankind, will you persuade us that you are moved by the indigence and tears of the citizens, whilst you possess nothing that you have not acquired by arms or injustice? You ask a second consulship, as if you had resigned the first to the commonwealth. You desire to restore union and concord, you, who are the only disturber of it. Traitor to the nobles, whom you ought to defend; perfidious even to those whose interest you pretend to support; an enemy to all persons of worth; void of respect both to gods and men, whom you have made equally your adversaries, by your perfidies and perjury. Go on then, persist in thy enterprize. The laws, the gods of our country raise their voice against thee, and cannot suffer thee in the number of our fellow-citizens. Continue what thou hast begun, that thou mayest quickly feel the just punishment thou hast deserved."

Claudius, now interrex, with Q. Catulus the proconsul, and the rest who are in command, should defend the city, and take care the commonwealth suffer no detriment."

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374th consulship.

The senate made a decree conformable to the opinion of Philippus, whereby they gave an almost unlimited power to those whom they appointed to withstand the enterprizes of Lepidus. And whereas Catulus excelled more in civil virtues than in military skill, they with him associated Pompey, who, though he had contributed to raise Lepidus to the consulship, did not decline the present commission. A battle was fought under the walls of Rome, near the bridge Milvius. Lepidus, being defeated, retired into Hetruria, and was immediately declared an enemy to his country; Catulus marched in pursuit of him, whilst Pompey went into Cisalpine Gaul, which, as was before mentioned, M. Brutus held for Lepidus.

In the election of new consuls, which was probably made about this time, the people's choice fell upon Decimus Brutus and Mamercus Æmilius.^y

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Pompey without difficulty, brought Cisalpine Gaul to obedience; only he was stopped a considerable time before Modena, which Marcus Brutus defended against him: but Brutus, at length, surrendered himself voluntarily (so Pompey wrote to the senate); nevertheless, the victor, having sent his prisoner under a guard to Reggio, dispatched thither an officer, named Geminius, to kill him: and then, in a second letter to the senate, changed his style, and calumniated Brutus. This was the father of the famous Marcus Brutus, who never forgave Pompey, till he was engaged to it by a regard to (what he called) the public interest.

375th consulship.

Plut. in Brut.

Catulus, having driven Lepidus into a corner of He-

^y Æmilius was very rich, but very frugal; and, to spare himself the expense of the games, which was indeed excessive, he had declined the office of ædile. The people remembered this, and, the first time he stood for the consulship, rejected him; and were now very far from being unanimous for his promotion.

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375th con-
sulship.

Plut. in
Pomp.
Plin. 7. 46.

truria, reduced him to the necessity of fighting; and Pompey arriving opportunely from Cisalpine Gaul, determined the victory in favour of the consul. Lepidus, with what remained of his troops, escaped into Sardinia. He had no success, the prætor Triarius prevented his seizing any place. A domestic grief completed his distress. He learnt that his wife Apulia was false to him. He divorced her; but, as he continued to love her, grief and vexation threw him into a disorder, of which he died. Perperna drew together the wreck of the army, and went with it into Spain; where Sertorius supported the remains of Marius's faction.

Suet. in
Cæs. 5.

Thus ended the commotions raised by Lepidus. The senate, contented with having re-established peace, granted an amnesty to those who had been concerned in the last disturbances; and their decree was supported by a decree of the people, of which Cæsar was considered as the author: not only the general interest of the Marian faction, which he favoured, might induce him to this, but the private interest of his brother-in-law, L. Cinna, who had been engaged in the cause of Lepidus, and who obtained, by this amnesty, leave to return to Rome. The senate's view, in their lenity on the present occasion, was to hinder the fugitives from going (through despair) to augment the forces of Sertorius, already too formidable.

Against this general, under whose command were gathered all that now remained of Marius's faction, Metellus Pius conducted the war in Spain, with little success; for he was naturally slow in his motions, and by no means a match for Sertorius in military skill. His high birth, and his reputation of eminent virtue, secured him from the affront of being recalled; but it was thought expedient to send him a colleague to be his assistant. Pompey, ambitious of the employment, had, for this reason, under various pretexts, kept his troops together at a small distance from Rome, though

Catulus had ordered him to dismiss them. The senate, having more confidence in the abilities of Pompey than of any other of their generals, determined to send him into Spain with the title of proconsul, notwithstanding the objection made by some of the senators, that it would be a strange thing to see a citizen, and of no higher rank than that of a Roman knight, invested with proconsular authority.²

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sulship.

CHAP. III.

The war of Sertorius in Spain.

IT has been already mentioned, that after Sylla had, by his wonted arts of corruption, gained over to him the army of the consul Scipio, Sertorius^a retired into Spain; which province had fallen to him by lot, after his prætorship. He found the passes of the Pyrenees in the possession of the barbarians, whom only money could render tractable. Some of his officers thought it would be disgraceful for a Roman proconsul to pay a kind of toll to the mountaineers for leave to pass; but Sertorius laughed at this unseasonable delicacy, telling them he should never make a scruple to buy time, which of all things is the most precious to those who have engaged in important enterprises. He purchased his passage, entered Spain, armed with all expedition what Romans he found there (of an age to serve), and provided himself with engines of war, and with triremes (gallies of three benches of oars.)

Vide supr.
p. 217.

² To this objection L. Philippus is reported to have answered: "In my opinion, it is not to supply the place of one consul, but of both consuls, that Pompey ought to be sent into Spain.—L. Philippus dixisse dicitur, non se illum suâ sententiâ pro consule sed pro consulibus mittere." Cic. pro Lege Manil. 96.

^a According to Vell. Pat. (l. 2. c. 25.) Sertorius, after the army had abandoned the consul Scipio, under whom he served, fell into Sylla's hands, who dismissed him with life; as he did Scipio and many others.—"Consulem, ut prædiximus, exarmatumque Sertorium (proh quanti mox belli facem!) et multos alios, potitus eorum, dimisit incolumes." But Plutarch speaks of Sertorius, as immediately retiring to his government of Spain, upon Scipio's refusing to listen to his advice, when he warned him to be upon his guard against the wiles of Sylla, who pretended to be desirous of peace.

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sulship.

The oppressive rapaciousness of the last prætors had created in the minds of the Spaniards an aversion to the Roman government. Sertorius spared no pains to conciliate their good-will; he gained the principal persons of the several cantons by his affability and kindness, and the multitude by lessening the taxes: but what more particularly obliged the Spaniards was, that instead of taking up his quarters within the cities, he erected tents without the walls of them, and there made his whole army pass the winter.

No sooner had Sylla possessed himself of the sovereign power, but he ordered Annius with an army into Spain. Sertorius, to hinder his entrance, shut up the passes of the Pyrenees with 6,000 foot, under the command of Livius Salinator. The assassination of Livius, by one Calpurnius Lanarius, opened the way to Sylla's general; and Sertorius, not being in a condition to keep the field against him, retired with 3,000 men into Carthagera; where he stayed no longer than till he could get vessels, whereon to embark his troops. He cruised some time upon the coasts of Spain and Africa; and in vain attempted to make descents in different places. At length, having added a few small ships of Cilician pirates to his fleet, he passed the Straits, and landed a little beyond the mouth of the Bætis, now called the Guadalquivir.

The Cana-
ries.

While he was there, some mariners, newly arrived from the Atlantic or Fortunate Islands, gave so charming a description^b of them, as made him seriously entertain the thought of retiring thither, to pass the remainder of his life in an innocent tranquillity, far from the din of war and the horrors of tyranny. He proposed this to his followers; but the scheme was not suited to the disposition of pirates. They quitted him, and sailed to Mauritania, where, having found two parties at war with each other, they offered their assistance to one of

^b ————— “ beata
Petamus arva, divites et insulas;”
&c. &c.

Hor. Epod. 16. 41.

them. Sertorius, apprehensive of being abandoned by his remaining friends and troops, passed thither likewise, and joined the other party, which he easily rendered victorious: and when, by the taking of Tingis,* he was become master of the country, he did not deceive those who had reposed confidence in him, but, restoring all that belonged to them, accepted only of a reasonable recompence; and this enabled him to subsist for some time the small body of troops, that was then his sole support.

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sulship.

* Tangier.

His thoughts were full of anxiety about the event of things, when he very opportunely received an embassy from the Lusitanians, earnestly inviting him to put himself at their head. This people still defended their liberty against the Romans, and finding themselves hard pressed at that time, had recourse to Sertorius, as to the only general that could protect them; so great a reputation had he acquired in Spain, during his short appearance there. Nor were they mistaken in their opinion of him. No captain of his time surpassed him in personal bravery, boldness of enterprise and execution, nor equalled him in stratagem; on which account the Spaniards called him Hannibal. He understood likewise, perfectly well, how to gain the confidence and affection of his soldiers, liberally rewarding merit, and punishing faults with reluctance. Naturally full of strength and agility, he preserved those advantages by temperate meals, a plain diet, and a perfect sobriety, and was able cheerfully to support the fatigue of long watchings, long marches, and all those other hardships to which an enterprising warrior must unavoidably be exposed. He never drank to excess, even in his most vacant hours: if he had leisure, his diversion was hunting; which in time of war had its use, because he thereby acquired a perfect knowledge of the country.

App. de
Bell. Civ.
l. 1. p. 421.

Plut. in
Sert.

Sertorius left Africa with 2,600 men, whom he called Romans, and 700 Africans collected from different na-

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tions. The Lusitanians supplied him with 4,000 light-armed foot and 700 horse. With these forces, he maintained the war against four Roman generals, who had under them 120,000 foot, 6,000 horse, and 2,000 bowmen and slingers. They were masters likewise of innumerable cities, whereas Sertorius, at his arrival, had scarce twenty, that recognized his authority. Of the Roman commanders who were sent against him, he vanquished Cotta in a sea-fight, routed Tadius, governor of Hispania Bætica, in a battle, wherein he slew 2,000 Romans, near the banks of the river Bætis. By his quæstor he defeated Domitius and Lucius, and Manilius, proconsul of the other province of Spain; and he cut in pieces the whole army of Thoranius, together with their leader, whom Metellus had detached against him. As for Metellus himself, he was at a loss what conduct to observe with an enemy that avoided a general action, attacked him when he least expected it, then retreated with expedition, returned presently after to the charge, gave him no repose, nor any opportunity of making advantage of his superior strength. Without fighting, Metellus suffered all the evils that attend a defeat; and Sertorius, by flying, had all the advantages of those who pursue. He hindered his enemies from getting water, and harassed them in foraging: if they advanced, they found Sertorius in their way; if they halted any where, he presently attacked them: if they besieged a city, they were themselves, in a short time, besieged by famine. These things made the soldiers of Metellus weary of the war; and Sertorius having challenged him to single combat, and he declining it, they turned him into ridicule. To retrieve his credit with them, he laid siege to the city^c of the Lacobriges, an important enterprise, because Sertorius received great assistance from that place. As there was but one well in the city, and the other waters, used by the inhabitants, were in the

^c This city was in the country now called Old Castile, on the north of the Douro.

suburbs, and fell immediately into the possession of the besiegers, the conquest seemed easy. Fully persuaded that it would be an affair but of two days, Metellus made his soldiers carry with them no more than five days' provisions.

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sulship.

Sertorius, conjecturing his design and his hope, contrived to convey 2,000 skins (*borachios*) filled with water into the place. The considerable rewards he promised to each bearer of a skin, made the soldiers, both Spaniards and Moors, all competitors for the employment. They had orders to turn out of the town all the useless mouths so soon as the water was delivered. Metellus, thus disappointed, and beginning to want provisions, detached 6,000 men to collect what they could find in the adjacent country. Sertorius laid an ambush for them, surprised them in their return, killed a great number of them, and seized the convoy; so that Metellus was constrained disgracefully to raise the siege, and to call in to his aid L. Manilius, who commanded in Gallia Narbonensis. This general, with the three legions he had brought with him, was driven out of the field, and reduced, almost alone, to take refuge in Ilerda.* By this last victory Sertorius opened himself a way into Gaul, and he pushed on quite to the Alps; in the passes of which he posted guards to stop the troops that might be sent against them.

* Now Lerida.
Ep. Pomp.
ad Sen. l. 3.
Hist. Salust.
Plut. in Sertor.

These successes could not fail to make him much admired by the Spaniards; and to his real merit he added artifice, the better to secure their respect and confidence.

A milk-white hind, which had been given him soon after it was yeaned, he tamed so well, that it knew his voice, came to him when he called it, and followed him every where. He had no other view, at first, in caressing this animal, than to amuse himself; but, when he saw it so tractable, he conceived the design of making it useful to him. He gave out, that this hind was a present from Diana, and often revealed to him the most

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secret things. To gain the public belief of this, he used, when he had privately received intelligence of any of the enemy's motions, to conceal the bearer of it, and feign that the hind had whispered it to him. The intelligence, pretended to be thus received, always proving true, the Spaniards regarded him as a favourite of the gods, and hearkened to him, as to a man inspired: and, that he might profit the more by their zeal to serve him, he armed them after the Roman manner, taught them discipline, and made them sensible of the advantage of it.

* Huesca in
Arragon.

But nothing contributed more towards his gaining the hearts of the principal men of the nation, than the care he took of the education of their children: for he drew together all those of the highest birth and placed them in Osca,* a considerable city in those days; and he gave them masters to instruct them in the arts of the Greeks and Romans. The children were in reality hostages; but his professed design, in this measure, was only to qualify them to hold employments in the government, so soon as their years would permit. Their parents with delight beheld them, in robes bordered with purple, walking regularly every day to the public schools; where Sertorius himself (who paid for their schooling) frequently examined into the progress they made; giving rewards to such as deserved well, with permission to wear, hanging at their breasts, the golden bulla, the ornament worn by the children of the better sort at Rome.^d

Sertorius, notwithstanding the extraordinary affection and respect which the Spaniards expressed for him, pre-

^d It was customary with the Spaniards, as with the Gauls and Germans, for every lord to have clients or vassals, who devoted their lives to his service, and took an oath not to survive him. Other chiefs had a small number of men, who adhered to them under these conditions; but as to Sertorius, his adherents of this kind were computed by thousands: and we are told, that after some engagement, wherein he had been defeated and was hard pressed by the enemy, the Spaniards, solely intent upon saving him, took him upon their shoulders, and passing him from one to another, conveyed him within the city walls (near which they then were) not giving a thought to their own preservation, till they had seen him safe. Plut. in Sert.

served to the Romans all the superiority to which they had been accustomed. Of the proscribed senators who had retired to him, and of the principal persons among his other partisans, he had formed a senate consisting of 300; affirming that this was the real Roman senate, and that the other, at Rome, was only an assembly of Sylla's slaves. Out of his own senate he chose quæstors, lieutenants, and other commanders, imitating, as much as possible, the government of the commonwealth. No Spaniard, therefore, had any command in his army; for he did not propose to strengthen the barbarians against Rome, but to make use of their assistance to deliver her from the tyranny of the usurper. He is said to have been a most sincere lover of his country, and so passionately desirous of returning to it, that frequently, when his affairs were most prosperous (never when in a declining state), he offered to lay down his arms, on condition he might be suffered to live as a private subject at home; declaring, that he should choose rather to be the most obscure citizen of Rome, than in banishment from thence, to command all the rest of the universe.

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sulship.

App. et
Plut.

With a heart so truly Roman, Sertorius must, necessarily, be esteemed and beloved by the Romans who were in Spain: and of this we have a notable proof in the conduct of Perperna's soldiers. This general was very rich, and of noble birth, and had been prætor of Rome; where he took up arms, with the consul Lepidus, to reverse the acts of Sylla, and recall the proscribed Marians; and after their defeat, he carried off the best part of their troops into Sardinia, and thence into Spain. Though embarked in the same cause with Sertorius, yet, being envious of his glory, he was very unwilling to contribute to its increase by joining him, wishing rather to usurp his power. And with fifty-three cohorts (about 25,000 men), which he had under his command, he did actually continue separate from him, till advice

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came that Pompey was ordered into Spain. His troops then declaring to him, that if he did not lead them to Sertorius they would go without him, he reluctantly complied ; but his bad disposition was, in the end, more detrimental to the common cause, than the strong reinforcement he brought with him was beneficial.

Plutarch, to shew the ability of Sertorius, relates two particulars of his conduct, before the arrival of Pompey.

The Spaniards, under his command, flushed with their successes, were for marching, at all events, to battle, impatient of their general's delays, who waited for a favourable opportunity. He at first endeavoured to dissuade them by mild remonstrances, but, finding that these had no effect, and that they were eagerly bent on fighting, he determined to let them receive from the enemy a lesson that might teach them prudence, and render them more tractable. The Spaniards, as he had foreseen were worsted in the engagement, and would have been entirely cut to pieces, if, with great skill, he had not contrived their retreat.

Discouragement, as it usually happens, was just going to succeed to presumption, when Sertorius, to avert this evil, and to give the Spanish soldiers a just sense of the reasons of his conduct, made use of the following device. He caused to be placed in the midst of them two horses, the one lean and old, the other fat and full of vigour, and which had a tail abounding with fine long hairs. By the lean horse stood a strong robust man ; near the other a little puny fellow. Upon a signal given, these two men, who were each to pluck off all the hairs of his respective horse's tail, fell to work in the following manner : the strong man grasped the tail of his horse, and pulled with all his might, to bring all off at once. The weak man set himself to pluck off the hairs of his horse's tail one by one. Fatigue to himself, and much laughter from the spectators, were the only effects of the labour of the first : the other finished his enterprise in a reasonable

time ; not a single hair remained on the tail of his horse. Sertorius then broke silence : “ You see, my good allies, how much more efficacious, than force, is perseverance. A numerous and potent army may, in separate parts, be overcome, though we can make no impression on it while it remains one undivided body. Perseverance can do any thing : time destroys the mightiest powers, and shews itself the good ally of those who are not precipitate in their measures, but prudently wait the proper seasons for action.”

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Pompey, in his way to Spain, finding the passes of the Alps shut up by the troops which Sertorius had posted there, made himself a new road over those mountains, and a more commodious one than that of Hannibal : after which, continuing his march through Gallia Narbonensis, he retook all the places possessed there by the enemy ; then passed the Pyrenees, and filled all Spain with great expectation. Though young, many victories had made his name famous, and prepossessed the public in his favour : insomuch, that the fidelity of those who had hitherto adhered to Sertorius, began to waver. But, when the two generals came to blows, the success did not answer the public opinion : Sertorius re-established his interest with the Spaniards, and acquired new reputation, not only in Spain, but even at Rome.

Ep. Pomp.
ap. Fragm.
Sall. Hist.
l. 3.

Plut. in
Pomp. et
Sertor.

While Sertorius was besieging Laurona,^e Pompey drew near in order to succour the place ; and once imagining that he had shut up the enemy between the city and his army, vainly boasted, that the Lauronites would have the satisfaction of seeing, from their walls, the besiegers besieged. Sertorius, when informed of this, only laughed and said, he would teach Sylla's scholar, that a general ought to look more behind than before him : and accordingly, by means of a body of 6,000 men, which he had left in his camp, he kept Pompey in awe, who could not attack him, without exposing himself to

^e This city is thought not to have been far from Valencia.

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sulship.

Frontin.
11. 4.
Plut. in
Sertor.

be attacked, at the same time, both in front and rear. The young general, perceiving he had been too hasty in his boast, was mortified, ashamed, and perplexed: and, what completely disconcerted him, his foragers fell into an ambush laid for them by Sertorius; and a whole legion that came to their aid, was itself surrounded, and perished, almost entirely, with its commander. The besieged, having now lost all hope of succour, surrendered at discretion. Sertorius spared the lives of the inhabitants, but burnt their city; not out of cruelty to them, but to cover with shame both Pompey and his admirers, when it should be reported throughout Spain, that a city,^f which he had undertaken to relieve, had been burnt before his eyes, and so near him, that he might, almost, have warmed himself by the fire that consumed it.

Thus ended this campaign: both armies went into winter-quarters. Pompey and Metellus passed the season under tents in the Pyrenees, and in the midst of numerous enemies, that harassed them. Sertorius, accompanied by Perperna, retired into Lusitania.

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sulship.

*Andalusia.

It would seem, that, when the operations of war were renewed (in the consulship of Cn. Octavius and C. Scribonius Curio), the two armies were each of them divided, so that Hirtuleius, the brave quæstor of Sertorius, remained in Bætica*, to oppose Metellus; and Sertorius marched towards the country, now called the kingdom of Valencia, to make head against Pompey.

Oros. l. 5.
c. 23.
Frontin. 11.
1. 3.

Hirtuleius came to an engagement with Metellus, near the city Italica,^g and the conflict proved very hot and bloody; both generals exposed their persons; Metellus's armour was pierced by a dart; Hirtuleius received a wound in his arm, and was at length constrained to quit the field, leaving 20,000 of his men upon

^f Appian reports, that, at the taking of Laurona, Sertorius being informed, that one of his soldiers had, in a brutal manner, abused a woman, his prisoner, who, to revenge herself, had even torn out his eyes, he not only ordered the criminal to be executed; but, knowing that the whole cohort was infamous for these excesses, he put them all to death, without sparing one, though they were citizens of Rome. Appian, l. 1. p. 419.

^g Sevilla Veia upon the Guadalquiver.

the spot. The conqueror owed his victory to his able conduct, in not bringing his men to engage with their enemies till these, who had left their intrenchments at sun-rise, were quite spent with hunger and fatigue, having, without any refreshments, sustained all the heat of the day. Not long after, Hirtuleius, attempting, probably to retrieve his honour, fell in battle, together with his brother. We are told, that Sertorius, with his own hand, killed the man who brought him the news of this great loss; for, as he was upon the point of giving battle, he feared that the report, if spread at that critical time, would dishearten his soldiers. That his own courage was not abated, he well demonstrated, when Pompey, having defeated Herennius and Perperna, near Valencia, came in quest of him in the neighbourhood of Sucro.^h Both commanders were desirous of coming to a battle before Metellus, who was marching from Bætica, should arrive; Sertorius, that he might have fewer enemies upon his hands; Pompey, that he might have no partner in the glory of the success he promised himself. The action did not begin till the evening, Sertorius waiting till then, because he knew, that to his enemies, not well acquainted with the country, the night would be disadvantageous, whether they should be obliged to fly, or have occasion to pursue.

In the beginning of the engagement, Sertorius was at the head of his right wing, and fought with success: but receiving advice that his left had given ground before Pompey, he repaired thither; and his presence changed the face of things in a very short time. Even Pompey's person was twice in the greatest danger: the second time he saved his life by quitting his horse; for it being richly caparisoned, and the barbarians falling in contention for the spoil, this gave him opportunity to escape.

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sulship.

Frontin. 11.
7.

Plut. in
Sert. et in
Pomp.

^h A city ruined many ages ago, which stood at the mouth of the river Sucro, now the Xucar.

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sulship.

Sertorius's right wing, after his leaving it, was totally defeated by Afranius, who commanded the left of the enemy: the victorious troops pushed on to the very camp of the vanquished, and began to plunder it. Sertorius, in that instant, arrived, cut off a great number of the plunderers, and forced the rest to retire in disorder.

He prepared for another engagement the next day; but, upon receiving intelligence that Metellus had joined Pompey, thought it prudent to retire; affecting, however, at the same time, to express an utter contempt for the latter; "If the old woman had not come,ⁱ I would have sent the boy back to Rome well chastised."

Frontin. 2.
13.

Not thinking that even the flight of his troops, in one body, would be safe, he commanded them to disperse themselves; but assigned them a rendezvous: for this was his method, and what the barbarians were accustomed to; so that sometimes he was in the mountains almost alone; and, presently after, saw himself at the head of a numerous army. This sudden re-assembling of the dispersed soldiers into one great body Plutarch compares to the flowing and concentrating of the melted snows, so as to form one mighty torrent.

Plut. in
Sertor.

What, at this time, gave Sertorius no small concern, his hind, during the tumult of the last battle, and the plundering of his camp, was lost; and he now wanted her service more than ever for keeping the barbarians in respect. Fortunately some of his soldiers met her in a wood, and, knowing her, brought her to him. He promised them a great reward, if they would keep the thing secret; and having caused her to be hid for some days, one morning he put on an air of gaiety, and told the Spanish chiefs, who were with him, that he had, the night before, had a dream, which foretold him some happy event by the favour of the gods. After this, he,

ⁱ Why old? he was but fifty-two; for when he served under his father, in Numidia, in the year 645, he was only twenty years of age (vid. supra, p. 61.) yet Plutarch always speaks of him as, at this time, weighed down with years, almost superannuated.

according to custom, gave audience to those who had business with him. The hind was on a sudden let go, and, seeing Sertorius, came skipping to him, laid her head upon his knees, and licked his right hand which he held out to her. Sertorius caressed her with an extreme tenderness, even to shedding some tears. The barbarians were at first struck with astonishment, but then, recovering themselves, shouted loudly for joy, regarding him as a favourite of Heaven, and as a person above the rank of mortal men.

Year of
R O M E
677.
B. C. 75.

376th con-
sulship.

At the arrival of Metellus, Pompey would have lowered his fasces before him, as before his senior and superior; but Metellus would not suffer it; indeed he always treated Pompey as his colleague and equal (with this exception only, that when they encamped together, Metellus alone gave the word); and to Metellus's opinion Pompey constantly paid a respectful deference.

Plut. in
Pomp.

The two generals, in this perfect concert, marched in quest of Sertorius, and, at length, forced him to a battle. The armies met near Segontia;^k the action continued from noon till after sunset. Sertorius faced Pompey, who, in this engagement, lost his quæstor Memmius, the bravest officer in his army, together with a great number of men: but Sertorius could not improve the advantage, which this gave him, being necessitated to go to the assistance of his left wing, which, under the conduct of Perperna, was almost entirely defeated by Metellus. A terrible slaughter of this general's troops was now made, and he himself wounded, having exposed his person with great bravery and intrepidity: but this very wound gained him the day; for his soldiers, who both loved and honoured him, seeing the hurt he had received, and the consequent danger he was in of falling into the hands of his enemies, grief and rage augmented their strength, and animated them to such vigorous efforts, as the Spaniards were utterly unable to with-

Plut. in
Sertor.

^k Sigüenza in Old Castile.

Year of
R O M E
677.
B. C. 75.

376th con-
sulship.

stand ; and Sertorius failed of victory, when he imagined himself sure of it.

Urged by necessity, he had now recourse to his usual expedient in like cases : he disbanded his army, and with a small number of brave soldiers, retired into a strong place in the mountains ; and there he began to improve and increase the fortifications, as if he intended to sustain a siege. By this he effectually baffled the enemy ; who, hoping to reduce the place in a short time, sat down before it, ceased their pursuit of the scattered flying Spaniards, and thereby allowed them opportunity to reassemble themselves, strengthened with considerable recruits. He had ordered them to give him notice so soon as they were collected into a body sufficiently strong to keep the field. The expected notice received, he, without delay, sallied out, and, having easily forced a passage through the enemy, put himself at the head of the army, that was waiting for him. And now by marches, and countermarches, he harassed and quite tired out the armies of Metellus and Pompey ; kept them, by frequent ambushes, in constant perplexity ; cut off the provisions that were coming to them by land ; prevented, by his cruizers, their receiving any supplies by sea ; and at length reduced, both the one and the other, to abandon all that part of Spain which had submitted to him. Metellus retired into farther Spain ; Pompey into Gallia Narbonensis.

Plut. in
Sert.

Liv. Epit.
93.

Vide supra,
p. 232.

[Great commotions are said to have been at Rome during the present year, on occasion of Sylla's innovations with regard to the tribuneship. He had very much abridged (as we have seen) the powers belonging to that magistracy : but he was no sooner dead, than the tribunes exerted their utmost efforts to recover their ancient rights ; an attempt which produced perpetual war between them and the consuls : and the conflict was more sharp than ever this year, when the consul Curio¹

¹ Cicero (in Brut. 213, et seq.) tells us, that Curio was an orator of a singular cast ; that he was extremely ignorant, and had nothing to entitle him to the name of

maintained against the tribune Sicinius the changes made by Sylla. Nor were the disputes between these terminated by speeches, but by the assassination of Sicinius, Curio being suspected of the crime.

Year of
R O M E
677.
B. C. 75.

In the same consulship, was a deputation from the senate to collect from every quarter, all that could be found of the Sibylline oracles. The books which contained them had seven years before been consumed in the burning of the Capitol. From Erythræ (a city of Æolis, the supposed country of the Sybil), Ilium, Samos, Sicily, and several cities of Italy, the deputies made a collection of verses which went under the name of the Sybil; but in which Varro, by the acrostics (or initial letters) discovered numerous interpolations.]

376th consulship.
Sallust.
Hist. l. 3.
Orat. Macri.
Freinshem.

The affairs of Sertorius were probably in the situation above mentioned, when (during the consulship of L. Octavius and C. Aurelius Cotta) he received an embassy from Mithridates, king of Pontus, offering him the aid of money and ships, and demanding, in return, the cession of Asia, which he had been obliged to abandon by his treaty with Sylla.

Year of
R O M E
678.
B. C. 74.

This prince was meditating a renewal of the war with the Romans. He had at his court two Roman fugitives, L. Fannius and L. Magius, formerly companions and friends of Fimbria. Their hatred of Sylla recommended them to Mithridates, and they supported themselves in his favour by flattery. As they had formerly adhered to the party, of which Sertorius now protected the remains, they suggested to the king the thought of making

377th consulship.

App. Mithrid.
Plut. in Sertor.

orator, but an abundant flow of words, and a florid diction: that his memory sometimes failed him entirely, insomuch, that one day, in a cause, where they were on opposite sides, Curio rising up to speak, forgot, that moment, all he had intended to say, and was reduced to complain, that the adverse party had deprived him of his memory by enchantments. As to his action, it was perfectly ridiculous; his arms, while he spoke, moving like the pendulum of a clock, which gave occasion to Sicinius, who had a good deal of humour, and more impudence, to make a smart jest upon him. The two consuls being on the rostra in an assembly of the people, and Octavius being forced to keep sitting, wrapped up in cloths with cataplasms and fomentations, Curio spoke in the name of both. When he had done, Sicinius, addressing himself to Octavius,—“You can never sufficiently acknowledge the obligations you have to your colleague: for if he had not swung his arms about as usual, the flies would have eat you up, before this time.”

Year of
R O M E
678.
B. C. 74.

377th con-
sulship.

an alliance with him : they compared the king to Pyrrhus, and Sertorius to Hannibal, and nothing was to stand before two such great generals.

Sertorius, at the head of his senate, gave audience to the king's ambassadors ; and when they were withdrawn, he brought the affair under deliberation. The senators were unanimously for accepting the king's offers ; for they wanted both money and ships ; and they considered what the king asked in return, as only an empty title. Sertorius, however, differed from them in opinion. He said, he should not object to the king's seizing Bithynia and Cappadocia, countries always governed by kings, and to which the Romans had no ancient title : but that, as to Asia Minor, of which they were lawfully possessed, at the time when that prince endeavoured to deprive them of it, and which, after he had been driven out of it by Fimbria, he had renounced by a solemn treaty, he would never consent that it should fall under the power of Mithridates. He added, " I ought to make my power subservient to the aggrandizing of the commonwealth, and not aggrandize myself by its losses and decrease. A brave man, undoubtedly, desires to conquer with glory ; but he will think life itself too dearly purchased, if at the price of base proceedings."

When this answer was brought to Mithridates by his ambassadors, it astonished him extremely. " What orders then (said he) would Sertorius send, did he preside in the senate at Rome, he who, while banished, proscribed, and driven to the coasts of the Atlantic sea, sets bounds to my dominions, and threatens me with war, if I make any attempts upon Asia ?" The treaty was concluded, upon the conditions prescribed by Sertorius : it imported that Mithridates should have Bithynia and Cappadocia ; that Sertorius should send him a general and some troops, and should receive from the king 3,000 talents, and forty ships. Sertorius dispatched one of his senators, named M. Marius, into

Asia ; and to this proconsul of Sertorius's creating were all the honours of that office paid in the army of Mithridates. If any city of Asia was taken, Marius entered it in pomp, preceded by his lictors with their rods and axes, and followed by the king of Pontus, who condescended to take the second place. The proconsul granted liberty to some of the Asiatic cities ; to others immunities and exemptions, all in the name of Sertorius, without permitting Mithridates to perform any act of sovereignty.

Year of
R O M E
678.
B. C. 74.

377th con-
sulship.

To return to the war in Spain. Pompey, as was before mentioned, being reduced by Sertorius to take up his winter-quarters in Gallia Narbonensis, wrote thence a letter to the senate, in very high and menacing terms, complaining that they suffered him to want every thing ; that during the three years of his command in Spain, he had scarce received the money necessary for the expense of one ; and he concluded with this declaration : " I have not only exhausted my estate, but my credit : I have no resource but in you : if you fail me, I give you notice, that my army, and the war itself, will soon be in Italy."

Sallust.
Hist. l. 3.

When this letter arrived at Rome, L. Licinius Lucullus and M. Aurelius Cotta were in the consulship. As Lucullus ardently desired to have the conduct of the war against Mithridates, and was apprehensive that Pompey only sought a pretext for quitting the war in Spain, that he might come to Rome, and dispute with him the other employment, which was far more easy and more lucrative, he spared no pains to keep him at a distance, and with that view caused all the money he demanded to be sent to him. This supply put Pompey into a condition to return out of Gaul into Spain.

Year of
R O M E
679.
B. C. 73.

378th con-
sulship.

Plut. in
Pomp. et
Lucull.

Metellus, to get the better of Sertorius, took measures of another sort. He set a price upon his head, promising by proclamation, to any Roman who should kill him, 100 talents and 20,000 acres of land ; and in case the assassin were an exile, liberty to return home.

Year of
R O M E
679.
B. C. 73.

378th con-
sulship.

Plut. in
Sert.

Plut. in
Sert. et
Sallust. ap.
Macrob.
Sat. 3. 13.

Plutarch observes, that this did not suit well with that contempt of Sertorius, which Metellus always affected in his discourses, styling him Sylla's fugitive, and calling his followers the fragments of Carbo's shipwreck. How sincere and extreme a dread he had of the superior abilities of Sertorius, he manifested yet more fully (as the same historian remarks) by his frantic joy, on occasion of some small advantage he imagined he had obtained over him. He caused himself to be saluted emperor (imperator) by his soldiers: altars were erected, and sacrifices offered to him in the cities through which he passed: choirs of young men and maidens sang hymns to his praise; and little figures of victory were made to descend (as in puppet-shows), and, in the midst of artificial thunder and lightning, put crowns upon his head. All this was followed by the most magnificent and costly entertainments, which he gave in celebration of his mighty achievement; and, at these feasting, the ridiculous oaf, drinking and staring, sat in state, his august person being clothed in the proper robe of triumph.

App. p.
421.
Plut. in
Sert.

Sertorius had little to fear from the prowess of such an enemy, but much from a spirit of sedition which prosperity had given birth to, among the Romans of his own army. Whilst the danger was great and imminent, fear kept all submissive to the only man who could protect them; but when that fear was removed, envy and jealousy took place. Perperna, who, from the beginning (as formerly mentioned) aspired to the chief command, was the most active in spreading whispers. "What evil genius has made us quit one unhappy state, to precipitate ourselves into a worse? Our own country, where we might have lived in peace and quiet, we forsook, because we disdained to obey Sylla, whom the whole universe obeyed; and we came hither to live in liberty. And here we are become the most abject slaves; nay, have voluntarily subjected ourselves to be the guards and satellites of a banished fugitive. He calls us the

senate : a vain title that exposes us to ridicule. Noble senators indeed are we, who suffer from him the same imperious and insolent treatment, as the barbarians of Spain and Lusitania !”

Year of
R O M E
679.
B. C. 73.

378th con-
sulship.

Discourses of this kind had their effect ;^m and though the discontented feared the power of Sertorius too much to hazard an open revolt, yet they contrived to ruin him with the Spaniards, by treating them harshly, and loading them with taxes, as if by his order. From hence arose commotions and revolts among those nations ; and the persons, whom he sent to remedy these evils, designedly made them more difficult to be cured. That Sertorius, under these disadvantages, lost ground before Metellus and Pompey, will easily be supposed ; and we are told, that, exasperated by bad success, and reduced to extremities by revolts, he forsook his former character to such a degree, as to let the weight of his wrath against the parents fall upon the children whom he had caused to be educated at Osca, of whom he had killed some, and sold the rest.ⁿ

^m Appian tells us, that when Metellus and Pompey returned into Spain, after passing a winter in the Pyrenees, and when their armies approached that of Sertorius, many of his Roman soldiers deserted to them, which put him into such wrath, that he cruelly treated others who were innocent, and that this produced a general discontent among his Romans : but what most of all alienated their minds from him was, that he placed all his confidence in the Spaniards, forming of them the guard of his person : and that the Spaniards, proud of the preference, contemptuously reproached the Romans with want of fidelity. The historian adds, that Sertorius would have been entirely abandoned by them, but for the need they knew they had of so good a captain.

M. Crevier has inserted these facts into his text ; though Plutarch gives not the least hint of them ; and they are neither probable nor very consistent with the removal of that fear of the enemy, which, Plutarch tells us, had kept them submissive, while under its influence ; nor with other particulars of Plutarch's relation, as the reader may observe.

ⁿ May it not be reasonably questioned, whether Plutarch had any better authority for this story, concerning the children, than some aristocratic party-writer ? Would the Spaniards so soon have forgot these murders ? Vid. *infr.* p. 269.

He adds, that, on account of this cruel proceeding of Sertorius, in the latter part of his life, some believed his former mildness and clemency to have been mere disguise and art, the dictate of reflection, and what the necessity of his affairs prompted him to. The historian-moralist declares himself of a different opinion : for though he holds that real solid virtue, confirmed by reason and habit, will ever be uniform, whatever adversity may happen ; yet he thinks, that a man of the gentlest and most virtuous disposition may be so provoked by insolent and injurious treatment, and especially by ingratitude, as to become wicked and cruel towards those who have injured and betrayed him ; and this he supposes to have been the case with Sertorius.

The same moralist leaves it problematical, whether Sylla (the most cruel of all monsters) was not once a good natured man, and afterward spoiled by prosperity and elevation.

Year of
R O M E
679.
B. C. 73.

378th con-
sulship.

Plut. in
Sert.

Among those whom Perperna drew into his conspiracy, was Manius, an officer in the army, who, at that time loved a certain youth; to whom, in order to engage his affections, he discovered the secret; boasting that in a few days he should be a person of great power and authority: but the youth having more inclination for Aufidius, disclosed all to him, who was likewise one in the conspiracy, but knew not that Manius was engaged therein. Upon the youth's naming Perperna, Græcinus, and others, whom Aufidius knew to be conspirators, he was much surprised and terrified. He made slight of the matter to the youth, and bade him not regard what Manius, a vain, boasting fellow, had said; and then going immediately to Perperna, gave him notice of the danger they were in of a discovery, urging him to the execution of their design without delay. To this all the conspirators having agreed, they provided a messenger, who brought to Sertorius counterfeit letters, importing notice of a victory gained by one of his lieutenants with great slaughter of the enemy. Sertorius, highly pleased with the news, performed a sacrifice of thanksgiving to the gods; at the close of which Perperna invited him, and those who assisted at the sacrifice (who were also of the conspiracy) to an entertainment; and, being very importunate, prevailed with him to come. At all suppers and entertainments where Sertorius was present, great decency used to be observed; for he would not endure to hear or see any thing contrary to the most perfect modesty. But at this entertainment, the conspirators, pretending to be drunk, began to hold the most dissolute discourses, proceeding to actions of obscenity, with design to make Sertorius angry. He, whether because he had a natural abhorrence of such licentious deportment, or because

But as for Marius, he was, it seems, without question, always wicked and always cruel, cruel by nature; his rising to power made no change in him in that respect, (Plut. in Syll.) And this is sufficiently manifest (though there be no other evidence of it, nor shadow of evidence) from his despising the Greek language and literature, Vid. *supr.* p. 57.

he perceived by certain signs they made to each other, and their unwonted failure of respect for him, something of their design, changed his posture, turning upon his bed, as if to avoid seeing any thing more of what passed. Perperna seized that moment for the execution of his purpose. He took a cup full of wine, and, in drinking, let the cup fall. This was the signal agreed upon; Antonius instantly drew his sword, and, being on the same bed with Sertorius, gave him the first wound; then throwing himself upon his stomach, seized his hands, and while he thus deprived him of all power to make resistance, the other conspirators with many stabs dispatched him.^o

Year of
R O M E
679.
B. C. 73.

378th con-
sulship.

App. Plut.

Perperna, so soon as he had perpetrated his crime, was for reaping the fruit of it, by taking possession of the command, but found some difficulties in the way. The death of Sertorius, so treacherously and cruelly murdered, had put an end to all hatred conceived against him by the multitude; compassion succeeded, they forgot the causes he had given them of complaint, and remembered only his virtues; the Spaniards, especially, regretted the loss of him, and looked upon the assassins with horror; many states revolted on the first news of his death, and made their submission either to Pompey or to Metellus. Nevertheless Perperna, by the means of money, promises, threats, and even punishments, aptly employed, managed so artfully, as not only to hinder the army from disbanding itself, but engage the greater part of it to accept him for their general: with what success we shall see hereafter.

^o It would seem that this murder was committed in the year 680; for Sertorius was in the eighth year of his command, having been called in by the Lusitanians in the second consulship of Sylla.

CHAP. IV.

War of Spartacus the Gladiator.

Year of
R O M E
680.
B. C. 72.

379th con-
sulship.

Plat. in
Crass.

App. in
Civ. l. 1.
p. 423.

Flor. l. 3.
c. 20.

Oros. 5. 24.

It was during the next year (680), M. Terentius Varro Lucullus and C. Cassius being consuls, that the war of Spartacus broke out in Italy.

In the city of Capua, one Lentulus caused a considerable number of slaves, most of them by birth Gauls or Thracians, to be trained to the science of gladiators, not on account of any crimes by them committed, but for his own profit. Of these wretches 200 entered into a plot to run away; but their design having been discovered, only seventy-eight of them could put it in execution, and these fled with no other arms than kitchen-knives and spits. Nothing in appearance could be more contemptible, or less likely to make the capital of the universe tremble; but in a government, where great numbers are discontented with their condition, the least commotions are to be feared: and it happened that those fugitive slaves had a man at their head who was alone worth an army; a man of ability and courage, skilful to employ stratagem, or force, intrepid in dangers, fruitful of expedients in adversity, prudent and moderate in prosperity. In a word, a hero reduced to the condition of a slave. Such was Spartacus. He had too great a spirit to reconcile himself to so infamous a profession, as that of fighting for the amusement of spectators; and he persuaded the companions of his fortune to hazard their lives rather in attempting to recover their liberty. However, he was not the only leader of the band; Crixus and Oenomaus were associated with him in the command: and the difficulties occasioned by this division of authority, was not among the least of those which Spartacus experienced in the execution of his enterprise.

They had scarcely quitted Capua, when they met and

seized a carriage loaded with the arms of gladiators, arms not fit for war, but better than those with which they had furnished themselves; and these they soon after exchanged for the proper arms of soldiers; for a body of the Capuans coming out in pursuit of them, Spartacus defeated these pursuers, killed a great number of them, and armed his little band with their spoils.

Year of
R O M E
680.
B. C. 72.

379th con-
sulship.

This first success augmented their number, but not sufficiently to embolden them to keep the field. Claudius Pulcher, who was sent from Rome against them, found them posted upon mount Vesuvius. He encamped at the foot of that mountain, and having possessed himself of the only practicable way leading to the summit (all the rest being steep rock and precipice), he supposed that he had so effectually shut up the rebels, as to leave them no possibility of escaping. Nevertheless, the slaves, by means of ladders made of vine branches, of which they found abundance upon the spot, got down the rock: one only remained above till he had thrown down to his comrades their arms; and then he likewise descended and rejoined them. And now Spartacus, not contented with escaping from the enemy, attacked them when they least expected it, defeated them, and took their camp.

This second victory made the slaves of all the neighbouring country flock to him, insomuch that his followers soon increased to 10,000; and because he wanted arms for so great a number, he forged, as well as he could, all the iron he could get, into swords and other offensive weapons, and made shields of basket work, covered with skins of beasts newly killed. Thus armed, they ravaged all Campania, and, in some considerable cities, which they took and plundered, committed a thousand cruelties and outrages upon such as fell into their hands, though Spartacus did his utmost, by remonstrances and entreaties, to restrain his followers from these excesses. Grown insolent by success, they indulged themselves in the pleasure of gratifying their revenge by all possible indignities towards those they had formerly feared.

Year of
R O M E
680.
B. C. 72.

379th con-
sulship.

Plut. in
Crass.

From Rome, it being now perceived that the affair was serious, they sent the prætor P. Varinius against the rebels. Spartacus very soon defeated Furius, one of the prætor's lieutenants, who commanded a detachment of 2,000 men; and, some time after, Cossinius, whom Plutarch calls the counsellor and colleague of Varinius, suffered himself to be surprised in Lucania: the enemy were very near taking him in the bath, his troops were defeated, his camp forced, and he himself killed. After these successes, Spartacus vanquished the prætor in several actions, and at length took his fasces, which from thenceforward he caused to be borne before his own person.

Nevertheless, this glare of prosperity did not so dazzle his eyes, as to hinder him from seeing, that it was impossible for him to triumph finally over the Roman power, and that sooner or later, he must unavoidably sink under it. He resolved therefore to march his forces towards the Alps, and pass those mountains as soon as he could, to the end that the Gallic and Thracian soldiers, who made the far greater part of his army, might retire to their respective homes, there to enjoy in peace a liberty that had cost them so much labour, and so many perils to recover. Wise as this counsel was, the slaves, because hitherto constantly victorious, rejected it: they saw themselves 40,000 strong, and being full of a frantic confidence, and allured with the hope of becoming rich, by plundering Italy, had no inclination to look forward to more distant consequences.

Year of
R O M E
681.
B. C. 71.

380th con-
sulship.

When the consular fasces were transferred to L. Gelius Poplicola and Cn. Cornelius Lentulus Claudianus, the troops of Spartacus had increased to 70,000 men. Three armies were sent against them, two commanded by the two consuls, and a third under the prætor Q. Arrius. The dissension and division which arose among the enemy, gave those armies an advantage. Spartacus could not keep the Gauls of his army in obedience; they separated from him, and, under the command of their

countryman Crixus, threw themselves into Apulia, and pillaged the country; but the consul Gellius and the prætor Arrius fell upon them near Mount Garganus,* and of 30,000 men, of which their body consisted, killed 20,000, Crixus himself falling in the action.

Year of
R O M E
681.
B. C. 71.

380th con-
sulship.

* Mount
St. Angelo.

Spartacus, not discouraged, nor disconcerted by this disaster, directed his march through the Apennines, still pursuing his design of gaining the Alps, and quitting Italy. To oppose his progress, the consul Lentulus advanced; a general of whom Sallust doubts, whether his vanity or his folly were the greater. Spartacus put his army to the rout, and then, turning back, met Gellius, the other consul, who was coming from Apulia to enclose him between himself and his colleague; and though Gellius was joined by the prætor Arrius, Spartacus defeated them both in a pitched battle.

Sallust.
Hist. l. 4.

It was a custom at Rome to honour the funerals of illustrious persons with combats of gladiators. Spartacus, on occasion of this victory, caused the like honours to be paid to the manes of his late companion, Crixus.—Having picked out 300 of the stoutest men among his prisoners, he compelled them to fight round the funeral pile which he had erected; thus retaliating upon the Romans the insult, which he and his companions had suffered from them. The rest of the prisoners, and such of the carriage-horses as were unfit for service, he caused to be killed. And now, seeing the number of his soldiers increased, by reason of these successes, to 120,000, he entertained the bold design of marching to Rome: however, as the two consuls, with all the forces they could assemble, posted themselves in Picenum, in his way, he dropped that project: but, turning against the proconsul C. Cassius, and the prætor Cn. Manlius, defeated them, and put them to flight.

App. p.
424.

Marca di
Ancona.

The senate were greatly dissatisfied with all their generals of this year, who had suffered luxury to reign in

Year of
R O M E
682.
B. C. 70.

381st con-
sulship.
Plut. in
Crass.

their camps, so that discipline had lost its vigour.^p New consuls were chosen, Cn. Aufidius Orestes, and P. Cornelius Lentulus^q Sura. But the chief dependance of the republic was upon Crassus, then prætor; and who, in Sylla's war, had given proof both of his courage, and of his ability. He received orders to march against Spartacus, and his reputation induced many persons of the first rank to accompany him in this war. Crassus, who knew that no success was to be expected, unless strict discipline were observed by the troops, quickly shewed that he resolved to re-establish it. He had detached Mummius with two legions to observe the motions of the enemy, but with orders not to hazard a battle, or even a skirmish. Mummius, nevertheless, imagining he had found a favourable opportunity of gaining some advantage, came to an engagement with the enemy. The Roman soldiers fled in a cowardly manner, and many of them returned to the camp without their arms, which they had thrown away to run the faster. Of these runaways, Crassus decimated 500 of the most faulty. The fifty criminals were executed ignominiously in the sight of the whole army; and nothing of the like nature having been practised, during a great length of time, this example made the deeper impression. Besides this severity, Crassus obliged those, who had thrown away their arms, to find sureties for the new arms he furnished them with; by which proceeding, the Roman soldiers being brought to fear the severity of their general more than the swords of their enemies, they soon retrieved their honour. Of a body of 10,000 slaves, Crassus cut in pieces two-thirds, and soon after gained an advantage over Spartacus himself, whom he drove into Lucania.

Spartacus continued retiring towards Rhegium, hav-

^p Military rewards were lavished (says Plutarch) without waiting till they were deserved. Cato refused, as not being his due, those that were offered him by the consul Gellius, under whom he served at this time. Plut. in Cat.

^q This was the Lentulus concerned afterward in Cataline's conspiracy.

ing formed the design of passing into Sicily, in which island, as it had already been the theatre of two wars with slaves, he hoped to rekindle a fire that was hardly yet extinguished: and at first, fortune seemed to favour his hopes; for there happened to be in the strait some ships belonging to pirates, with whom he treated for transporting 2,000 of his men into Sicily; but the pirates, having received his money, steered a different course. And when, after this, he made an attempt to cross the strait upon floats and rafts, the rapid current of the sea, which presently destroyed those weak transports, convinced him of the impossibility of succeeding that way. Crassus, in the meantime, having followed him in his march, he found himself shut up within the peninsula of Bruttium. The isthmus between the two seas is about thirty miles over: across this isthmus, Crassus caused a trench to be cut fifteen feet in depth, and as many in breadth, and fortified it with a strong and high wall. While this work was carried on, Spartacus made no attempt to disturb the workmen: his thoughts were wholly intent on arming his followers: he was near the sea on three sides, and invited merchants to bring to his camp, not gold and silver, but iron. Of this he amassed a great quantity, and, having caused arms to be forged, supplied all his troops abundantly.— And now his great affair was to force the barrier, which the Romans had formed to shut him up. His first attempts were not successful. To make his troops resolute through despair, he caused a prisoner to be crucified at the head of his camp, that they might see with their own eyes the punishment which they must undergo, if, failing of victory, they should fall into the hands of the prætor. At length, in a tempestuous night, when there fell abundance of snow, he found means to fill up a part of the trench with earth and fascines, and passed his whole army over it.

Crassus, who had expected to conquer without strik-

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ing a blow, was in such a consternation at the escape of his prey, that in the first emotion of his fear, he wrote to the senate, that it was necessary to call to his aid both Varro Lucullus, then returning from the war of Thrace, and Pompey, who, having entirely re-established the tranquillity of Spain, was on his way home. However, he soon repented his invitation of those generals to join him: for, having learnt that the Gallic slaves, not instructed by the misfortune and death of Crixus, had again separated themselves from Spartacus, he fell upon them, put them into disorder, and would have entirely cut them off, if Spartacus had not come with expedition to their succour.

Frontin. 2,
5. 34.

The Gauls still encamped separate from Spartacus, under the command of two generals of their own nation, Gannicius and Castus. Crassus found means to deceive Spartacus, so as to make him think that the greater part of the Roman forces were fronting him, while they were really marching against the other commander. By this stratagem, he gained a signal victory, which almost effaced the shame of the preceding defeats sustained by the Romans. He recovered five Roman eagles, twenty-six ensigns, and five fasces with their axes. Thirty-five thousand of the enemy, according to the Epitome of Livy, remained upon the spot. Plutarch makes the number of the killed amount to only 12,300. And he observes, that those slaves fought with so much resolution, that, of so great a number, only two received their wounds behind.

L. 97.
Plut. in
Crass.

1b.

Spartacus, after so considerable a loss, found it necessary to retire farther from the prætor; and he marched towards Apulia. Crassus detached one of his lieutenants, and his quæstor, to pursue him. These officers, despising an enemy that fled, followed him so close and so incautiously, that they gave him a favourable opportunity of turning upon them, and fighting them with advantage. The Romans fled in great disorder, and

the quæstor, being wounded, did not escape without much difficulty.

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This success occasioned the ruin of Spartacus ; his soldiers becoming so presumptuous thereupon, that they would not pursue the route he had directed them to take, but would have him turn back in quest of Crassus. There was another reason which determined Spartacus so to do. He had received advice that Varro Lucullus was arrived at Brundisium, and this made him apprehend being enclosed between two armies. Crassus no less desired a decisive battle, because Pompey approached ; and the friends of this general, who was very popular, said publicly at Rome, that it was necessary to send him against Spartacus ; for that he alone was born to put an end to the wars that were shameful to the Roman name. Crassus, therefore, being no less desirous of fighting than Spartacus, they soon came to a general action.

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On this occasion, Spartacus, being determined either to conquer or die, killed his horse at the head of his army, saying to his soldiers, that if he proved victorious, he should have horses enough ; if vanquished, he should have no want of them. Fighting like a man in despair, he broke through the thickest battalions, killed two centurions with his own hand, in endeavouring to come at the person of Crassus : his efforts were vain, and he fell dead, covered with a multitude of wounds. Upon his fall, his soldiers all fled, and the conquerors gave no quarter ; 40,000 slaves remained on the field of battle.

Nevertheless, a considerable number escaped the slaughter, and formed themselves into different bands. One of these, consisting of about 5,000, who were making their way to the Alps, fell into the hands of Pompey.

Plut. in
Crass. et
Pomp.

He happened, at this time, to be on his return from Spain ; where he had, without much difficulty, put an end to the war. For though Perperna had prevailed

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with the army (as was before mentioned) to submit to his command, yet, not having the military talents of Sertorius, it was but sport to Pompey to subdue him.

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sulship.

Stupidly running into a snare which Pompey had laid for him, he was entirely defeated, his army dispersed, his principal officers killed on the spot, and he himself taken prisoner.

Plut. in
Sertor.

Perperna, to save his life, signified to Pompey, that in Sertorius's papers he had found proof of secret correspondence held with him by many persons at Rome, even some consulars and other principal senators; that he had in his hands their original letters, by which they invited Sertorius to bring his army into Italy. Pompey is much praised for his prudence and generosity on this occasion. He knew that the best way of quieting the discontents of the city was to free the Marians from those fears, which a consciousness of guilt would suggest, rather than push them to the necessity of seeking their security in a change of affairs, and the overthrow of the state. He caused, therefore, all Sertorius's papers to be brought to him; and he burnt them without reading them himself, or suffering any other person to read them. And, lest Perperna should divulge something of what he knew, and mention names, he would not once see him, but caused him to be instantly put to death. Of the other persons concerned in the murder of Sertorius, several were taken by Pompey's soldiers, and killed by his order: some fled into Africa, where the Moors shot them to death with arrows. One only escaped; a wretch, who, hated by all that knew him, spent the remainder of his life in beggary.

After the defeat and death of Perperna, the remainder of the party had no resource, but in the victor's clemency. The towns of Spain eagerly made their submission; two only ventured to stand out, and both these were taken and destroyed. Thus ended the war in the consulship of Cn. Aufidius Orestes, and P. Corn.

Lentulus Sura (year of Rome 682), after it had lasted ten years: and thus expired the last remains of Marius's faction.

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Pompey erected, in the Pyrenees, many monuments to perpetuate the memory of his exploits. On these monuments were inscriptions, importing that, in the country between the Alps and the extremities of Farther Spain, he had subjected 876 cities.

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ulship.
Plin. 7. 26.

In his return home, he accidentally fell in with that band of fugitive slaves before mentioned, a remnant of the army of Spartacus. He put them all to the sword; and, on this foundation, and on this alone, was for ascribing to himself the glory of having terminated that war. He wrote to the senate, that Crassus had indeed put the slaves to flight, but that he had plucked up the war by the roots. Cicero, too, from a particular dislike of Crassus, affected, in his public speeches, to give Pompey the honour of finishing that war, declaring, that the very fame of his coming had broke the force of it, and his presence extinguished it. History, however, has done Crassus justice, and has transmitted his name to us with this praise, that by his vigilance, ability, and courage, he, in the space of six months, happily terminated a war, which had alarmed the Romans, not much less than even that of Hannibal. Six thousand of the runaways, who fell alive into the hands of the Romans, were crucified along the road from Capua to Rome.

Sic. in Verr.
5. 5. et pro
Leg. Manil.
30. pro
Sext. 31.

Oros. l. 5.
24.
Appian.

As to quelling the revolt in Spain, nobody at Rome durst venture, either in earnest or in jest, to ascribe the least portion of the merit to any other than Pompey; so great a favourite he was of the multitude. And for this achievement he was decreed a second triumph, though still a private citizen, and of the equestrian rank.

Crassus, on account of the mean condition of the enemies he had vanquished, obtained only the lesser triumph or ovation. Permission, however, was given

Plin. 15.
29.
Cic. in Pis.
24.

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him by the senate, at his request, to wear, in the triumphal procession, instead of the crown of myrtle, the crown of laurel, which had hitherto been appropriated to the greater triumph.^r

CHAP. V.

Crassus and Pompey are chosen consuls for the year 683. Pompey makes his court to the people, by repealing some of Sylla's laws.

Plut. in
Pomp. et
in Crass.

THE time for the great elections drew nigh: both the victorious generals aspired to the consulship, and neither of them had disbanded his army. Many persons at Rome were apprehensive lest Pompey, after the example of Sylla, should make himself master of the commonwealth: and Crassus declared, that he would not disband his troops, unless those of Pompey were likewise dismissed. The apprehensions, which these things occasioned, Pompey removed at once, by promising to dismiss his soldiers so soon as his triumph should be over.

As to the consulship, there were some difficulties to be surmounted with regard to Pompey. He was born in the 647th year of Rome, and therefore, was not at this time full thirty-six years old, and, to be elected consul, forty-three was the legal age. It would be strange to see a man placed in the highest magistracy, before he was capable by law of pretending even to the lowest!^s But so great and so universal was the admira-

^r This year (682) abounded with triumphs at Rome. For, besides those of Crassus and Pompey, and Metellus (for he too had the like honour), M. Terentius Varro Lucullus had a triumph for his conquest of Thrace. In the year 679, he had succeeded his elder brother, L. Lucullus, in the consulship; and after the expiration of his magistracy, had Macedonia for his province. (Plut. in Lucul.) According to Florus (3. 4.) he had pushed on his conquests as far as the Tanais, and the Palus Mæotis: he subdued likewise the whole coast of the Euxine sea, from the mouths of the Danube to the Bosphorus of Thrace, and from Apollonia, a city upon that coast, brought away a colossus of Apollo, thirty cubits high, which he placed in the Capitol. He spent only two campaigns in these expeditions. Cicero gives the epithet of triumphal to Macedonia, because it furnished so many occasions of triumphing to the Roman generals: "Provincia ex omnibus una maxime triumphalis." Cic. in Pis. 44.

Cornelius Dolabella (consul in the year 672) had obtained a triumph for his successes in that country. And Scribonius Curio (consul in the year 677) being sent thither the next year after his consulship, had subdued the Dardanians to the north, and had likewise conquered Moesia, and penetrated as far as Dacia.

^s "Quid tam singulare, quam ut legibus solutus ex S. consulto consul ante fieret, quam ullum alium magistratum per leges capere licuisset." (Cic. pro lege Manil. 21.)

tion of him, that the senate dispensed with the laws in his favour; and Crassus (who needed no such dispensation) found it not prudent to stand candidate without asking his consent. Pompey, highly flattered by an application of that sort from so considerable a man, and having long wished for an occasion to do him a friendly office, went so far as to declare to an assembly of the people, "That he should be no less obliged to them for giving him Crassus to be his colleague, than for their bestowing the consulship upon himself." Both were unanimously elected: after which both triumphed for their victories in the wars they had respectively conducted; and Pompey, the very next day after his triumph, took possession of the consulship. As if he had been born to command, he made his first entry into the senate in the proper post to preside in it.

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Plut. in
Pomp. et
in Crass.

Vel. Pat.
l. 2. c. 30.

M. LICINIUS CRASSUS,^u
CN. POMPEIUS MAGNUS,^v } Consuls.

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The ædileship was the first office that was properly called a magistracy, and what could not regularly be obtained till after an interval of five years from the quæstorship; and the quæstorian age (in the latter times of the republic) was the same with the senatorian, thirty years complete: for Cicero, who declares in some of his speeches, that he had acquired all the honours of the city, without repulse in any, and each in its proper year, or as soon as he could pretend to it, yet did not obtain the quæstorship till he had passed through his thirtieth year. See Middl. Treat. on the Roman Senate, p. 93, 94.

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^u "Crassus's father and elder brother lost their lives in the massacres of Marius and Cinna; but he himself escaped into Spain, where he had contracted a numerous acquaintance, while his father was prætor of that country; and he lay there concealed till Sylla's return to Italy, whither he presently resorted to him, in hopes to revenge the ruin of his fortune and family on the opposite faction. As he was attached to Sylla's cause, both by interest and inclination, so he was much considered in it; and being extremely greedy and rapacious, made use of all his credit to enrich himself by the plunder of the enemy, and the purchase of confiscated estates; which Cicero calls his harvest. By these methods he raised an immense wealth, computed at many millions, gathered from the spoils and calamities of his country. He used to say, that no man could be reckoned rich, who was not able to maintain an army out of his own rents: and, if the accounts of antiquity be true, the number of his slaves was scarce inferior to that of a full army; which, instead of being a burden, made one part of his revenue; being all trained to some useful art or profession, which enabled them not only to support themselves, but to bring a share of profit to their master. Among the other trades in his family, he is said to have had above 500 masons and architects constantly employed in building or repairing the houses of the city. He had contracted an early envy to Pompey, for his superior credit both with Sylla and the people; which was still aggravated by Pompey's late attempt to rob him of the honour of ending the Servile war: but finding himself wholly unequal to his rival in military fame, he applied himself to the arts of peace and eloquence; in which he obtained the character of a good speaker; and by his easy and familiar address, and a readiness to assist all, who wanted either his protection or his money, acquired a great authority in all the public affairs." Middleton's Life of Cicero, vol. 1. p. 73.

Plut. in
Crass.

Cic. Parad.
6. 2. l. 1.

Plut. in
Crass.

^v As Pompey had never been a senator before he was consul, and was, therefore,

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Plut. in
Crass.

Plut. in
Pomp.

Ib.

Vid. supr.
p. 185.

App. de

Bell. Civ.

Jul. Obseq.
54.

Plut. in
Pomp.

The misunderstanding between Crassus and Pompey revived very soon after their taking possession of the consular fasces, and they did nothing memorable in their magistracy, besides making their court to the people.

Crassus, having consecrated the tenth of his estate to Hercules, gave a feast to the whole city, and to each citizen corn for three months.

Pompey took various measures to establish^w himself

wholly unacquainted with the rules of the house, the learned Varro furnished him, at his request, with a manual of instruction in relation thereto. A. Gell. 14.

^w From the time of Pompey's first coming into public life, the people of Rome (says Plutarch) seem to have entertained a singular affection for him: which is the more extraordinary, as he was the son of a most detestable and most detested father, Cn. Pompeius Strabo (consul in the year 664), a man infamous for rapaciousness, for murder, and for treachery to both the contending factions. Never did the Romans express so implacable a hatred to any of their generals, as to this man; who being struck dead by lightning (the year of Rome 666), his body was not suffered to be carried with the usual solemnity to funeral; the populace tore it from off the bier, dragged it by a hook along the streets, and insulted it with all manner of outrages.

The son, on the contrary, had rendered himself so dear to the soldiery, that, at nineteen years of age, he, by his sole influence, prevailed with the army, in which he then served under his father (the very year in which his father was struck dead), not to execute the resolution they had taken of deserting their general; whom he had just before, in the same hour, preserved from being treacherously assassinated in his tent.

The next year an attack was made upon his fortune; and he himself personally accused: the charge imported, that, after the taking of Asculum, his father Pompeius Strabo had appropriated the spoil to his own use, instead of accounting for the produce of it to the treasury; and that the son had been a sharer in this robbery. He was called upon, therefore, to make satisfaction to the public out of the effects to which he had succeeded. In his defence, he set forth, that he had already made satisfaction to the public, for his father's peculation; and that he had likewise given information to the prætor of certain robberies committed by his father's secretary, who had thereupon been tried and condemned. As to his own share in the accusation, it appeared that he had reserved nothing out of the spoils of Asculum, but some curious books, and some hunting nets: and these being of little value, the prosecution was judged to be malicious. The most eminent orators of Rome, Philippus, Carbo (who was consul the next year), and Hortensius, defended Pompey in this cause. He himself spoke several times, and in such a manner, as to acquire great reputation. The prætor Antistius, who presided in the court, was so taken with his behaviour, that he resolved to make him an offer of his daughter, Antistia, in marriage, and even during the prosecution, they concluded the contract. (This bargain between the judge and the defendant, pending the cause, may, perhaps, be thought not to redound much to the honour of either.) Pompey was acquitted; the marriage presently followed: yet about four years after, he divorced this lady at the command or persuasion of Sylla, who, from political views, and with the approbation of his wife Metella, engaged him to marry Æmelia (the daughter of Metella, by her former husband, Æmilius Scaurus), she being the wife of Acilius Glabrio, by whom she was then actually with child. Plutarch observes, that Pompey's divorcing Antistia was the more cruel, as upon his account (he being deemed a favourer of Sylla's cause) her father Antistius had been murdered in the senate-house (by order of the younger Marius). Her mother Calphurnia was so affected with these tragic events, that she put an end to her own life. Æmelia too soon after died in child-bed.

What chiefly gained to Pompey in early life the public favour, was his habitual temperance, his martial disposition, his genius for war, and his strict discipline in military service; add to this, that he was generous, and, though naturally grave, affable, and agreeable in speech, and had such an appearance of candour in his air and manner, as engaged confidence.

in the affection of the multitude. By ancient institution, the Roman knights, when they had completed their time of service, which was ten years, presented themselves before the censors, to whom they gave an account of the campaigns they had made, and under what generals. The censors,^x L. Gellius and Cn. Lentulus, sitting in their curule chairs, at the gate of the temple of Castor, making the review, Pompey appeared. He entered the forum in all the state belonging to his consular dignity, but he himself leading his horse by the bridle. When he came in sight of the censors, he made the lictors, who were walking before him, stand aside, while he led his horse up to the tribunal of those magistrates. The people, struck with so singular a spectacle, remained in silence and admiration. The elder of the censors put this question to him, "Pompey, have you completed all the years of service which you owed the commonwealth?" He answered (speaking with a loud voice), "Yes, I have completed them all; and in all, have been myself the general." At these words the whole forum resounded with shouts of applause: the censors rose up, and conducted Pompey back to his house; well knowing they should thereby

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We have already seen, that, at twenty-three years of age, he, by his own credit and interest, raised three legions, with which he joined Sylla, against the faction of Marius and Cinna; Vid. supr. p. 214.

That the next year (671), Sylla sent him into Sicily against Perperna and Carbo;

That from Sicily he passed into Africa to conduct the war against Domitius and Hiarbas; and that, for having vanquished them, he extorted, at his return to Rome, the grant of a triumph, contrary to the inclination of the dictator, and contrary to custom, the victor being only a Roman knight: that he afterward vanquished Lepidus, and totally crushed his faction: that he was afterward sent into Spain against Sertorius, but had little success there, during the life of that able general: that, after the murder of Sertorius, he brought the war to a happy issue without much difficulty; and that in his return home (year of Rome 682), he met with, and put to the sword, a body of fugitive slaves, part of the army which Crassus had routed. His election soon after to the consulship has just been related.

^x There had been no censors in the state for fifteen years past, when Lentulus and Gellius were honoured this year with that high office. They expelled out of the senate sixty-four members; among whom were C. Antonius (second son of M. Antonius the orator), and P. Lentulus Sura, who had been consul the year before; and whom we shall find hereafter engaged in Catiline's conspiracy. Q. Curius, another of the conspirators, was likewise one of the sixty-four. Liv. Epit. l. 98.

At the closing of the lustrum, the number of the citizens (which had been greatly augmented by admitting the allies to the freedom of Rome) amounted to 950,000, according to Freinsheimus, who, in this particular, forsakes his text, or principal author, the Epitome of Livy, where we read 450,000.

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Cic. in Verr.
Act. 1. 1.
et 15.
Ascon. in
Divin.

Middl. Life
of Cic. vol.
1. p. 79.

please the multitude, who, transported with delight, continued clapping their hands all the way.

Another thing by which Pompey greatly endeared himself to the people, was the change he made with regard to the judicature; which Sylla had transferred wholly to the senators. Corruption in the courts of justice had risen to a most prodigious height. The judges sold their votes, without hiding their shame; and it was grown (says Cicero) to be an established maxim, that a wealthy man, how criminal soever, could not be condemned. On occasion of Cicero's prosecution of Verres, a celebrated modern, partial enough to the aristocratical faction, writes thus:

“The public administration was at this time, in every branch of it, most infamously corrupt: the great, exhausted by their luxury and vices, made no other use of their governments, than to enrich themselves by the spoils of the foreign provinces: their business was to extort money abroad, that they might purchase offices at home; and to plunder the allies, in order to corrupt the citizens. The oppressed, in the meanwhile, found it in vain to seek relief at Rome, where there was none who cared either to impeach, or to condemn a noble criminal; the decision of all trials being in the hands of men of the same condition, who were usually involved in the same crimes, and openly prostituted their judgment on these occasions for favour or a bribe. This had raised a general discontent through the empire, with a particular disgust to that change made by Sylla of transferring the right of judicature from the equestrian^y to the senatorian order, which the people were now impatient to get reversed; the prosecution, therefore, of Verres was both seasonable and popular, as it was likely to give some check to the oppressions of the nobility, as well as comfort and relief to the distressed subjects.—Cicero,

^y This is a mistake. Sylla transferred to the senators the right of judicature, not from the equestrian order, but from the persons elected by the tribes out of the three orders.—See above, p. 159.

in his speech, after opening the reasons why, contrary to his former practice, and the rule which he had laid down to himself of dedicating his labours to the defence of the distressed, he now appeared as an accuser, adds, 'The provinces are utterly undone; the allies and tributaries so miserably oppressed, that they have lost even the hopes of redress, and seek only some comfort in their ruin: those who would have the trials remain in the hands of the senate, complain, that there are no men of reputation to undertake impeachments, no severity in the judges: the people of Rome, in the meanwhile, though labouring under many grievances, yet desire nothing so ardently as the ancient discipline, and gravity of trials. For the want of trials, the tribunician power is called for again; for the abuse of trials, a new order of judges is demanded; for the scandalous behaviour of judges, the authority of the censors, hated before as too rigid, is now desired, and grown popular. In this licence of profligate criminals, in the daily complaints of the Roman people, the infamy of trials,^b the disgrace of the whole senato-

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1. p. 82.

^a M. Crevier has selected from a great number, two or three striking instances of the infamy here spoken of: and I choose to borrow them from him, not only to avoid trouble, but because he is so warm a partizan of the aristocracy, as to say, speaking of Lucullus (tom. 11. p. 13.) "His fidelity to Sylla and the aristocratical party proves him to have been a solid man, a man of sound understanding, and noble sentiments.—Sa fidélité pour Sylla et pour le parti de l'aristocratie prouve un caractère solide et élevé."

P. Lentulus Sura had been prætor in Spain, and was accused at his return home of male-administration. He bribed the judges (according to the common practice at that time), and was acquitted; but finding that of thirty-two voices, he had seventeen in his favour, he complained heavily of bad management, and the unnecessary expense he had been put to by his agent's purchasing one voice more than was necessary. Q. Calpurnius having been condemned (doubtless because not so rich as his accuser) of misconduct when prætor in Spain, reproached his judges, not for having given sentence against him, but for having done it at too low a price. "You ought to have been better paid for ruining a man, who has been honoured with the office of prætor. You have sold me for a morsel of bread."

Oppianicus, a Roman knight (before mentioned as a murderer, in speaking of Sylla's proscriptions, Vid. supr. p. 225), was now prosecuted by his son-in-law, Cluentius, for an attempt to poison him. The two accomplices of the accused had been tried and convicted, which made his case almost desperate. In this extreme peril, he applied himself to Stalenus, one of his judges. This man undertook to buy, for about 3,200*l.* sixteen voices, the number necessary and sufficient to acquit him, the bench consisting of thirty-two judges. Stalenus, having received the money, wisely considered, that it would be better for himself to retain the whole for his own use; and that certainly no one would call upon him to refund it, in case Oppianicus were condemned. The prudent part, therefore, would be to get him condemned. In order to this, he promised, on the part of the accused, to some of the judges about 200*l.* each, to acquit him; and then, a few days before the trial, told those judges,

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Middl. Life
of Cic. vol.
1. p. 80.
In Verr. 2.
18. et 3. 8.
it. 11.

Ascon.
Argum. in
Divinat.

Cic. in
Ver. 2.

Quintil. 6.
3.

Middl. Life
of Cic. p.
83. 85.
In Verr.
Act. 1, 9.

rian order, as I thought it the only remedy to these mischiefs, for men of abilities and integrity to undertake

that Oppianicus had broke his word, and had not lodged the money with him. The consequence was, that one part of the judges condemned Oppianicus, because he was manifestly guilty; the other part, because they thought he had deceived them. Cicero tells us, that Stalenus had likewise received money from the accuser.

But the instance of Verres, who had been three years prætor of Sicily, is, of all, the most astonishing proof of the corruption which prevailed among the great. His trial was in this year 683 (Crassus and Pompey being consuls), which was the year before the consulship of Hortensius. The crimes of Verres, both for weight and number, are almost incredible. "All the cities of Sicily concurred in the impeachment, excepting Syracuse and Messana; for these two being the most considerable of the province, Verres had taken care to keep up a fair correspondence with them.—Syracuse was the place of his residence, and Messana the repository of his plunder, whence he exported it all to Italy: and though he would treat even these on certain occasions very arbitrarily, yet, in some flagrant instances of his rapine, that he might ease himself of a part of the envy, he used to oblige them with a share of the spoil: so that partly by fear, and partly by favour, he held them generally at his devotion; and, at the expiration of his government, procured ample testimonials from them both, in praise of his administration: all the other towns were zealous and active in the prosecution, and by a common petition to Cicero, implored him to undertake the management of it; to which he consented, out of regard to the relation which he had borne to them as quæstor, and his promise made at parting of his protection in all their affairs. Verres, on the other hand, was supported by the most powerful families of Rome, the Scipios and the Metelli, and defended by Hortensius, who was the reigning orator at the bar, and usually styled the king of the forum.

"Cicero had no sooner agreed to undertake the cause, than an unexpected rival started up, one Q. Cæcilius, a Sicilian by birth, who had been quæstor to Verres, and by a pretence of personal injuries received from him, and a particular knowledge of his crimes, claimed a preference to Cicero in the task of accusing him, or, at least, to bear a joint share in it. But this pretended enemy was in reality a secret friend, employed by Verres himself to get the cause into his hands in order to betray it. His pretensions, however, were to be previously decided by a kind of process called divination, on account of its being wholly conjectural; in which the judges, without the help of witnesses, were to divine, as it were, what was fit to be done; but in the first hearing Cicero easily shook off this weak antagonist, rallying his character and pretensions with a great deal of wit and humour."

But as to Verres's advocate Hortensius, who had received presents from Verres (a thing considered at that time as below the dignity of an orator), Cicero reproached him in very sharp terms: "Crassus and Antonius would not have undertaken the defence of such a man as Verres, a man lost to all sense of shame; they would have feared lest, for so doing, they should be thought as shameless as he. They did not care to bring themselves into the dilemma of being necessitated to appear without delicacy in the article of probity, by defending a cause notoriously wicked; or without gratitude, by deserting a person whose liberality they had experienced."

Quintilian mentions a smart saying of Cicero on this occasion. As he had attacked his adversary in an indirect ironical manner, Hortensius, pretending not to understand him, said, "He was not good at expounding riddles;"—"That's strange (replied Cicero), as you have the sphinx at home;" (an ivory sphinx which Verres had given him).

Verres, before he left his province, had openly said, that those ought to fear, who had robbed for themselves only; but as for him, he had taken enough to satisfy the greediness of many: that he had a powerful friend (meaning Hortensius), under whose protection he could pillage the people with impunity; that he had been three years prætor, and should be very well content with retaining one year's gains for himself; that he intended another for his advocates and defenders; and reserved the third, which was the richest, for the judges.

Nevertheless, he was deceived in his expectations. "The previous point being settled in favour of Cicero, 110 days were granted to him by law, for preparing the evidence; in which he was obliged to make a voyage to Sicily. On his return to Rome, he found, what he suspected, a strong cabal formed to prolong the affair by all the arts of delay, which interest or money could procure, with design to throw it

the cause of the republic, and the laws, so I was induced the more readily, out of regard to our common safety,

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off, at least till next year, when Hortensius and Metellus were to be consuls, and Metellus's brother a prætor, by whose united authority the prosecution might easily be baffled: and they had already carried the matter so far, that there was not time enough left within the current year to go through the cause in the ordinary forms. This put Cicero upon a new project of shortening the method of proceeding, so as to bring it to an issue, at any rate, before the present prætor, M. Glabrio, and his assessors, who were like to be equal judges. Instead, therefore, of spending any time in speaking, or employing his eloquence, as usual, in enforcing and aggravating the several articles of the charge, he resolved to do nothing more than to produce his witnesses, and offer them to be interrogated: where the novelty of the thing, and the notoriety of the guilt, which appeared at once from the very recital of the depositions, so confounded Hortensius, that he had nothing to say for his client; who, despairing of all defence, submitted, without expecting the sentence, to a voluntary exile.

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Quintil. 6.
5.

Argum.
Asc. in Act.
1.

"From this account it appears, that of the seven excellent orations, which now remain on the subject of this trial, the two first only were spoken; the one called the Divination, the other the First Action, which is nothing more than a general preface to the whole cause; the other five were published afterward, as they were prepared and intended to be spoken, if Verres had made a regular defence; for as this was the only cause in which Cicero had yet been engaged, as an accuser, so he was willing to leave these orations, as a specimen of his abilities in that way; and the pattern of a just and diligent impeachment of a great and corrupt magistrate.

"The accusation was divided into four heads: 1. Of corruption in judging causes. 2. Of extortion in collecting the revenues and tythes of the republic. 3. Of plundering the subjects of their statues, and wrought plate (which was his peculiar taste). 4. Of illegal and tyrannical punishments."

Of all the facts that Dr. Middleton has collected from Cicero's orations against Verres, I shall insert here the most curious only; that is, the most astonishingly wicked: they are under the last head of accusation.

"When any vessel, richly laden, happened to arrive in the ports of Sicily, it was generally seized by his spies and informers, on pretence of its coming from Spain, and being filled with Sertorius's soldiers: and when the commanders exhibited their bills of lading, with a sample of their goods, to prove themselves to be fair traders, who came from different quarters of the world, some producing Tyrian purple, others Arabian spices, some jewels and precious stones, others Greek wines and Asiatic slaves; the very proof by which they hoped to save themselves, was their certain ruin: Verres declared their goods to have been acquired by piracy, and seizing the ships with their cargoes to his own use, committed the whole crew to prison, though the greatest part of them perhaps were Roman citizens. There was a famous dungeon at Syracuse, called the Latornia, of a vast and horrible depth, dug out of a solid rock, which having originally been a quarry of stone, was converted to a prison by Dionysius the tyrant. Here Verres kept great numbers of Roman citizens in chains, whom he had first injured to a degree, that made it necessary to destroy them; whence few or none ever saw the light again, but were commonly strangled by his orders.

Middl. Life
of Cic. p.
102.
Cic. in
Verr. l. 5.
56.

Ib. 27.
Ib. 55.

"One Gavius, however, a Roman citizen of the town of Cosa, happened to escape from this dreadful place, and run away to Messana; where, fancying himself out of danger, and being ready to embark for Italy, he began to talk of the injuries which he had received, and of going straight to Rome, where Verres should be sure to hear of him. But he might as well have said the words in the prætor's palace, as at Messana; for he was presently seized and secured till Verres's arrival, who, coming thither soon after, condemned him as a spy of the fugitives, first to be scourged in the market-place, and then nailed to a cross, erected for that purpose, on a conspicuous part of the shore, and looking towards Italy, that the poor wretch might have the additional misery of suffering that cruel death in sight, as it were, of his home.

Ib. 61.

Ib.

"The coasts of Sicily being much infested by pirates, it was the custom of all prætors to fit out a fleet every year, for the protection of its trade and navigation. This fleet was provided by a contribution of the maritime towns, each of which usually furnished a ship, with a certain number of men, and provisions: but Verres, for a valuable consideration, sometimes remitted the ship, and always discharged as many of the men as were able to pay for it. A fleet, however, was equipped of seven

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Cic. in
Verr. 5. 31.

Ib. 33.

Ib. 35. 36.

Ib. 39, 40,
&c.

Cic. in
Verr. 5.

Middl. p.
107.

to come to the relief of that part of the administration, which seemed the most to stand in need of it.”

ships; but for show rather than service, without their complement either of men or stores, and wholly unfit to act against an enemy; and the command of it was given by him, not to his quæstor, or one of his lieutenants, as it was usual, but to Cleomenes, a Syracusian, whose wife was his mistress, that he might enjoy her company the more freely at home, while the husband was employed abroad. For, instead of spending the summer as other governors used to do, in a progress through his province, he quitted the palace of Syracuse, and retired to a little island adjoining to the city, to lodge in tents, or rich pavilions, pitched close by the fountain of Arethusa; where, forbidding the approach of men, or business, to disturb him, he passed two of the hot months in the company of his favourite women, and all the delicacy of pleasure that art and luxury could invent.

“The fleet in the meantime sailed out of Syracuse in great pomp, and saluted Verres and his company, as it passed: when the Roman prætor (says Cicero) who had not been seen before for many days, shewed himself at last to the sailors, standing on the shore in slippers, with a purple cloak and vest flowing down to his heels, and leaning on the shoulder of a girl, to view this formidable squadron; which, instead of scouring the seas, sailed no farther, after several days, than into the port of Pachynus. Here, as they lay peaceably at anchor, they were surprised with an account of a number of pirate frigates, lying in another harbour very near to them: upon which the admiral Cleomenes cut his cables in a great fright, and, with all the sail that he could make, fled away towards Pelorus, and escaped to land: the rest of the ships followed him as fast as they could; but two of them, which sailed the slowest, were taken by the pirates, and one of the captains killed: the other captains quitted their ships, as Cleomenes had done, and got safe to land. The pirates, finding the ships deserted, set fire to them all that evening, and the next day, sailed boldly into the port of Syracuse, which reached into the very heart of the town; where, after they had satisfied their curiosity, and filled the city with a general terror, they sailed out again at leisure, and in good order, in a kind of triumph over Verres and the authority of Rome.

“The news of a Roman fleet burnt, and Syracuse insulted by pirates, made a great noise through all Sicily. The captains, in-excuse of themselves, were forced to tell the truth; that their ships were scandalously unprovided both with men and stores, and in no condition to face an enemy; each of them relating how many of their sailors had been discharged by Verres’s particular orders, on whom the whole blame was justly laid. When this came to his ears, he sent for the captains, and, after threatening them very severely for talking in that manner, forced them to declare, and to testify it also in writing, that every one of their ships had its full complement of all things necessary: but finding, after all, that there was no way of stifling the clamour, and that it would necessarily reach to Rome, he resolved, for the extenuation of his own crime, to sacrifice the poor captains, and put them all to death, except the admiral Cleomenes, the most criminal of them all; and, at his request, the commander also of his ship. In consequence of this resolution, the four remaining captains, after fourteen days from the action, when they suspected no danger, were arrested and clapped into irons. They were all young men, of the principal families of Sicily, some of them the only sons of aged parents, who came presently, in great consternation, to Syracuse, to solicit the prætor for their pardon. But Verres was inexorable: and having thrown them into his dungeon, where nobody was suffered to speak with them, condemned them to lose their heads.” The fathers and mothers of these innocent unfortunate young men passed whole days and nights at the door of the prison, begging only to be allowed to embrace their children, and receive their dying breath.—At the gate stood the gaoler, the prætor’s lictor, raising taxes upon distress and misery. “You must give me so much for leave to go in; and so much for permission to carry in victuals.—But how much will you give me to kill your son at one stroke, and not hack him, so as to make him die a painful death?” The price exacted for this favour being paid,—“Well, but there is another article to be settled.—Your son’s carcass must be thrown to the wild beasts, unless you purchase leave to bury it.” This last bargain concluded, the prisoners were brought forth and publicly executed; to the great satisfaction of Verres, who thereby got rid of so many witnesses of his misconduct.

“It happened, however, before this loss of the fleet, that a single pirate ship was

Hortensius (that distinguished, illustrious patriot, ever steady to the interest of the republic) had a great hand in this mischief of corrupting the courts of justice. He governed with so kingly a sway in all trials, that the sentences given were generally such as he pleased. For, in defending his client, he did not confine himself to exerting the power of his wit and eloquence: solicitations, caresses, menaces, money, every means of gaining his point, he diligently employed. The method of passing sentence was by balloting. To each of the judges were given three waxed tablets (little pieces of wood); on one of which was the letter A, for *absolvo*; on another the letter C, for *condemno*; and on the third N. L. for *non liquet* (the thing is not clear, the cause must be reheard). Each judge, after hearing the cause, was to put one of these tablets into a box, or urn (called *sitella*). Hortensius not only engaged some one among the judges to be a spy upon the rest; but, when he had an affair much at heart, contrived to furnish the judges with tablets of different colours, that so, when these were taken out of the box, he might see with his own eyes,

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taken by Verres's lieutenants, and brought into Syracuse; which proved to be a very rich prize, and had on board a great number of handsome young fellows. There was a band of musicians among them, whom Verres sent away to Rome a present to a friend; and the rest, who had either youth or beauty, or skill in any art, were distributed to his clerks and dependants, to be kept for his use; but the few, who were old and deformed, were committed to the dungeon, and reserved for punishment. The captain of these pirates had long been a terror to the Sicilians, so that they were all eager to see his person, and to feed their eyes with his execution: but, being rich, he found means to redeem his head, and was carefully kept out of sight, and conveyed to some private custody, till Verres could make the best market of him. The people, in the meantime, grew impatient and clamorous for the death of the pirates, whom all prætors used to execute as soon as taken; and, knowing the number of them to be great, could not be satisfied with the few old and decrepid whom Verres willingly sacrificed to their resentment. He took this opportunity, therefore, to clear the dungeon of those Roman citizens, whom he had reserved for such an occasion, and now brought out to execution, as a part of the piratical crew: but, to prevent the imprecations and cries which citizens used to make of their being free Romans, and to hinder their being known also to any other citizens there present, he produced them all with their heads and faces so muffled up, that they could neither be heard nor seen; and, in that cruel manner, destroyed great numbers of innocent men! But to finish, at last, the whole story of Verres: after he had lived many years in a miserable exile, forgotten and deserted by all his friends, he is said to have been relieved by the generosity of Cicero; yet was proscribed and murdered, after all, by Marc Antony, for the sake of his fine statues and Corinthian vessels, which he refused to part with: happy only (as Lactantius says), before his death, to have seen the most deplorable end of his old enemy and accuser, Cicero."

Cic. in
Verr. 5.
25, &c.

Ib. 28.

Ib. 60.

Senec. l. 6.
Suasor. 6.
Plin. Hist.
N. l. 34. 2.
Lactan. 2. 4.

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whether the judges, by him bribed, had kept faith with him, or not.

Pompey, in a speech which he made to the people before his consulship, had promised to put a stop to this scandalous and mischievous corruption. It may therefore reasonably be conjectured, that Aurelius Cotta, now prætor, who passed a law for that purpose, acted in concert with him. The law imported, that the judges should no longer be chosen out of the senate alone, but out of the three orders of the commonwealth; that is to say, the senators, the knights, and the tribunes or commissioners of the treasury; which last were of the order of the people: [their business was to remit the public money to the quæstors for the payment of the troops.] This law was observed, till the dictatorship of Cæsar.

But what, more than any thing, rooted Pompey in the affections of the people, was his sacrificing to them, in one important point, the interests of the aristocracy. The attempt of Sicinius, in the year 677, to restore to the tribunes their ancient privileges, and the destruction he thereby drew upon himself, have been already mentioned. Notwithstanding his unfortunate end, the cause he had espoused was still supported: for, the year following, the consul Cotta found himself obliged to consent that the clause which, in Sylla's law concerning the tribuneship, excluded the tribunes from the superior offices, should be repealed. And several tribunes afterward successively pursued the design of a total re-establishment of the tribunician power. Nevertheless, six years had passed, and the thing was not effected. Pompey, whose ambition carried him to aim at a perpetuity of command, a design which he could no other way compass but by the favour of the people, took the present opportunity of gaining them entirely to his interest; and, by exerting his consular power, brought about that change,^a which

Cic. pro
Corn. 1.
et ibi.
Ascon.

^a Cicero, in justification of Pompey, affirms, that it was not possible to avoid this

the multitude so passionately desired: and to which Crassus made no opposition.

The two consuls, however, had disagreed very much during their whole administration. Pompey, notwithstanding his promise,* had kept his troops on foot near the city; and Crassus had not disbanded his army, so that Rome apprehended a new civil war like that of Marius and Sylla. Towards the close of December, when the people, being assembled, had ineffectually entreated the consuls to put an end to their differences, a Roman knight, named C. Aurelius, who had never intermeddled with public affairs, presented himself before them, and told them, “That in a dream he had seen Jupiter, who commanded him to declare to the people, in his name, that they should not suffer the consuls to quit their office, till they were become friends.” The multitude, much affected with this dream, pressed the consuls most earnestly to a reconciliation. Pompey, nevertheless, stirred not from his curule chair; but Crassus rose up, and, approaching his colleague, said, “Romans, I think it not below me to make the first advances towards a man whom you honoured with the surname of the Great, when he was yet very young; and with two triumphs before he was a senator.” At the same time he held out his hand to Pompey, who could not reject so obliging an invitation. Thus was the reconciliation made between them: but the people would not depart till the consuls had caused edicts to be posted up for disbanding their armies.

Pompey, who had begun to apprehend lest such a perpetuity of power, as he wished, should draw envy to a dangerous degree upon him, took an oath, that on quitting the consulship (which was to expire the last of December), he would not accept of any government: he

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* Vid. sup. p. 398.
Plut. in Crass. et Pomp.
App. de Bell. Civ. p. 427.

Vell. Pat. l. 2. c. 31.

repeal of Sylla's law, the people were so eagerly bent upon it: and that it was better Pompey should have the merit of it with the people, than that some pernicious citizen should thereby make himself popular. De Leg. 3. 26.

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kept his word; and his example was followed by his colleague.

This year Virgil was born.

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CHAP. VI.

The Capitol consecrated. War declared against the Cretans. The Gabinian law in favour of Pompey, year of Rome 686. The war with the pirates. The Manilian law in favour of Pompey, year of Rome 687.

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IN the following consulship of Q. Hortensius and Q. Cæcilius Metellus (afterward surnamed Creticus) the rebuilding of the Capitol was finished, fourteen years after its being burnt. Catulus, who had superintended the rebuilding of it, had the honour of performing the consecration.^b

The same year the war against the Cretans, whom the prætor Marcus Antonius had attacked (as will be hereafter related), without commission so to do, was undertaken by public authority; and Metellus had the conduct of it, by the voluntary cession of his colleague: who, having been accustomed to a kind of dominion in juridical affairs,^c chose to reside in the city, though the

Val. Max.
l. 2. c. 4.

^b In the games which Catulus exhibited on this occasion, he covered with fine linen of various colours the theatres, which till then were open to the heaven.—Plin. l. 19. c. 1.

Cic. in
Brut. 228.

^c Hortensius had been a volunteer in the first year of the Italic war, commanded a regiment in the second; but, when that war was over, stuck close to the bar. He had begun very early to make a figure there, being but nineteen when he pleaded his first cause, to the admiration of all present. Like a statue of Phidias (says Cicero), the instant he was seen, the same instant he was admired. He charmed the eye no less by his action, than the ear by his voice, and the music of his periods.

Middl. Life
of Cic. p.
52. vol. 2.

“He reigned absolute in the Forum when Cicero first entered it; and as his superior fame was the chief spur of Cicero’s industry, so the shining specimen which Cicero soon gave of himself made Hortensius likewise the brighter for it, by obliging him to exert all the force of his genius to maintain his ground against his young rival. They passed a great part of their lives in a kind of equal contest and emulation: but Hortensius, by the superiority of his years, having first passed through the usual gradation of public honours, and satisfied his ambition by obtaining the highest, began to relax somewhat of his old contention, and give way to the charms of ease and luxury, to which his nature strongly inclined him, till he was forced, at last, by the general voice of the city, to yield the post of honour to Cicero.—Hortensius published several orations, which were extant long after his death. They are said to have owed great part of their credit to his action, which yet was thought to have more of art than was necessary to an orator, so that his compositions were not admired so much by the reader, as they had been by the hearer; while Cicero’s more valued productions made all others, of that kind, less sought for, and, consequently, the less carefully preserved. Hortensius, however, was generally allowed by the ancients,

Brut. p.
443.

Brut. 425.
Orator. p.
261.
Quintil. 11.
3.

Cretan war had fallen to him by lot, and he had been at first ambitious of that province. This war will be spoken of more at large, when we come to Pompey's expedition against the pirates.

The next year L. Cæcilius Metellus (brother of Quintus, one of the last year's consuls), and L. Marcius Rex, took possession of the consular fasces: but Metellus died in the beginning of January. Another, whose name is not transmitted to us, was chosen in his place: but he

Y. R. 684.

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Diod. Ap-

pian. et

Dio. apud

Fulv. Ursin.

Y. R. 685.

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and by Cicero himself, to have possessed every accomplishment which could adorn an orator: elegance of style; art of composition; fertility of invention; sweetness of elocution; gracefulness of action. These two rivals lived, however, always with great civility and respect towards each other, and were usually in the same way of thinking, and acting, in the affairs of the republic; till Cicero, in the case of his exile, discovered the plain marks" (marks visible to himself only, as some think) "of a lurking envy and infidelity in Hortensius; yet his resentment carried him no farther than to some free complaints of it to their common friend Atticus, who made it his business to mitigate this disgust, and hinder it from proceeding to an open breach; so that Cicero, who was naturally placable, lived again with him, after his return, on the same easy terms as before, and lamented his death [which was in 703] with great tenderness, not only as the private loss of a friend, but a public misfortune to his country, in being deprived of the service and authority of so experienced a statesman at so critical a conjuncture."

Cic. in

Brut. 425.

Brut. init.

It would be hard to forbear being a little more particular, in this place, concerning the worthiness of the person with whom Cicero lived in such constant friendship, and concerning the grievous weight of that misfortune which the public sustained by losing so eminent a patriot as Hortensius.

How able and assiduous a practitioner this patriot was, in corrupting the courts of justice, has been already taken notice of. This was before his consulship. After his ambition had been satisfied by the attainment of that highest honour; he, who had ever been a fop,* and inclined to luxury, became wholly a voluptuary and a trifler.

* Macrob,

2. 9.

I shall transcribe some part of what M. Crevier† has given us on this head.

"If (as Seneca thinks) it be true, that there is an infallible and necessary relation between the manners and eloquence of a speaker [*talis hominibus oratio qualis vita*, Ep. 114.] what we know of the luxury and finical delicacy of Hortensius, and his fondness for trifles, will give us an idea of his speeches very conformable to the judgment passed on them by Quintilian; who thought them extremely below the reputation he had acquired as an orator.

† Tom. 11,

p. 204.

"He was so nice with regard to his person, that he dressed himself before a looking-glass, adjusting the plaits of his gown after the most graceful fashion, and then, to keep them in that state, most skilfully binding them with his girdle, the knot of which he contrived to hide in one of the lappets of his gown, which seemed to fall negligently.

"Foolishly fond of his trees, he watered (if one may here use that word) his plane-trees with wine. And, it is reported, that, being to plead in a cause where Cicero was likewise engaged, he begged his consent to changing the hour; because he was under the necessity of going, without delay, to his Tusculan villa, to irrigate with wine a plane-tree, which he had there planted.

"His passion for the fish in his ponds was no less extravagant. Cicero has jested upon this folly, more than once, in his letters to Atticus. And Varro enters into particulars: he tells us, that Hortensius, with regard to his fish, was like misers with regard to their money: he durst not use them. And he not only forbore eating them, but fed them with his own hands; and, when they were sick, took as much care of them as of his slaves [probably more]. He warmed their water, lest they should suffer from the coldness of it; and, it is added, that (like the orator Crassus) he wept for the death of a lamprey."

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likewise dying soon after, and before he could enter upon his office, Marcius governed, sole consul, the remainder of the year, the Romans not thinking it proper to proceed to a new election: he did nothing memorable during his consulship: after the expiration of it, he went into Cilicia, the government of which had fallen to him.

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The following year, when M. Acilius Glabrio and C. Calpurnius Piso were consuls, was memorable for the Gabinian law, which gave to Pompey the command of the war against the pirates.

Plut. in
Pomp.
Strab. l. 14.

The pirates were, originally of Cilicia; they owed their beginning to the civil discords in the kingdom of Syria between the branches of the family of the Seleucidæ. The Cilicians, favoured by those wars, and the consequent diminutions of the royal authority, carried off a prodigious number of slaves from Syria. It was a very advantageous branch of commerce; because the Romans, grown rich since the taking of Carthage and Corinth, bought slaves without number. The mart for this trade was the island of Delos; and very often 10,000 slaves, brought thither at once, were sold the same day. The kings of Cyprus and Egypt, ever at war with those of Syria, favoured the pirates, because they distressed that country. Of these robbers the Romans took little notice, being diverted by more important and more urgent cares from giving attention to them, and from attempting to suppress a power which at first appeared contemptible. The war of Mithridates, to whose service the pirates attached themselves, furnished them with opportunities of increasing their strength. Ever since the time when Sylla besieged Athens, their cruising about had made navigation difficult and dangerous. They very much distressed Lucullus, and put him under a necessity of being upon his guard against a surprise from them, when, by Sylla's order, he was labouring to assemble a fleet from all the maritime countries subject to the Romans, or in alliance

Oros. l. 5.
c. 23.
Florus. l. 3.
c. 6.

with them. The pirates, nevertheless, had not then begun to extend themselves far: they confined their courses to the sea between Crete and Cyrene, and between the Piræus and the promontory of Malea, now Cape Malio. But within this space, though not very large, they got such rich prizes, that they themselves gave it the name of the Golden Sea. And they confined themselves to it the rather, because they were not yet strong enough to insult Sicily and Italy: and Mithridates, with whom they acted in concert, was then master of Asia, and would not have permitted them to infest its coasts. But, when that prince was constrained to abandon his conquests, and had no longer any interest in Asia, he gave full scope to the pirates: and the civil wars at Rome, not permitting Sylla to check their progress, their power increased prodigiously. Enriched by the plunder of the coasts of Asia, they were soon in a condition to fit out triremes and other large vessels. A multitude of people, ruined by the war between Mithridates and the Romans, greatly increased the piratic crew; to whom they repaired, that among them they might find means of subsistence, which they were deprived of at land: and now the pirates began to form armies, and the captains of the ships became generals. They made descents, surprised cities that were not fortified, and, by assault, or by sieges in form, took others that were in a condition of defence: and, by these military exploits, they pretended to have ennobled their profession. And this notion so far prevailed, that many persons, considerable by birth and fortune, associated with them, and were far from thinking they dishonoured themselves by so doing.

At length they formed a kind of commonwealth, of which Cilicia was the centre; a country difficult to approach, because of the rocks and shoals that lined the coasts. Hence, though an assemblage from almost all the nations of the east, they were called Cilicians.— They had magazines, or staples, upon the coasts where

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App. Mi-
thrid. p.
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they cruised, for depositing their booty, and had even naval arsenals well supplied with every thing necessary for building and equipping ships. They likewise erected high towers, from whence they might perceive their prey at a vast distance; and, at length, they succeeded so well, as to engage in their interest great and powerful cities, Phaselis, Olympia, and several others, which the commodiousness of a trade, carried on at the sole risk and expense of the pirates, induced to become their confederates.

Muræna, whom Sylla had left in Asia, made some efforts to stop the rapid progress of their power, but ineffectually: so that, in the year 675, P. Servilius (who had been consul the year before) was sent from Rome with both land and sea forces against them. These robbers, nevertheless, had the boldness to venture a battle with the Roman fleet; and, though the proconsul obtained the victory, it was not without the loss of a great number of his men. After his victory, he pursued them into their retreats, took and demolished several of their fortresses, and even those two considerable cities, Phaselis and Olympia, which had entered into an alliance with them. Making an incursion into the country, he likewise forced the city of Isaura, and subdued the nation of the Isauri. The fruit, however, of all these conquests was little more than the honour to himself of a triumph, with the surname of Isauricus. His triumph was, probably, in the consulship of Lucullus and Cotta, in the year of Rome 679; in which year the prætor Marcus Antonius^d was charged with the war against the pirates, and had a more extensive commission than had ever before been given to a Roman general; for he had the superintendence of all the sea coasts subject to the Roman empire. The maritime countries, which he was commissioned to defend,

Cic. in
Verr. 2.
4. et ibi.
Ascon.

^d This prætor was son of Marcus Antonius, the famous orator, and father of Marc Antony, the triumvir.

were made sensible of his authority no otherwise, than by the rapines he there committed; and, though his power extended over all the seas, he confined his operations to the attacking Crete, which had furnished some troops to the king of Pontus, and a retreat to the pirates. Florus tells us, that, believing himself sure of victory, he carried more chains than arms in his ships. The Cretans, who, notwithstanding the reduction of so many kingdoms and states under the Roman yoke, had hitherto preserved their liberty, were not intimidated. They put to sea, met him, defeated him, and took many of his ships. To insult the vanquished, they tied the prisoners to the sails and rigging of their vessels, and in that manner returned triumphantly into their ports. Antonius, as meanly discouraged now, as he had been presumptuously confident before, completed his infamy by clapping up a peace with the Cretans. He felt his disgrace: and having already a bad habit of body, shame and grief quickly brought him to his end. He died (in 682) bearing the surname of Creticus, that had been given him in derision.

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Flor. l. 3.
c. 7.

In the year 684, the war against the Cretans was undertaken by public authority, and the conduct of it given to the consul Metellus (colleague of Hortensius), as has been before mentioned. He acquitted himself of his commission with success: he defeated Lasthenes, one of their principal generals, reduced the strongest cities of Crete (Cydonia, Gnossus, and Lyctus) and obliged Panares, the author of the war, and even Lasthenes, to surrender themselves prisoners. Nevertheless, as the consul treated the conquered with rigour, and they were naturally obstinate, and were supported by a great number of pirates, who had long had correspondence in the island, and places of retreat there, they still made a vigorous resistance.

Vid. supr.
p. 292.

Flor. l. 3.
c. 7.

Things were in this situation, with regard to Crete, when the tribune Gabinius (in the consulship of Acilius

Plut. in
Pomp.
Ap. Mi-
thrid. p.
235.
Dio, l. 36.

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Plut. in
Pomp.

Glabrio and Calpurnius Piso) moved, that the conduct of the war against the pirates might be given to Pompey.

The power of the pirates was arrived to such a height, that they had above 1,000 good ships well manned and furnished with skilful pilots. They affected magnificence, and their ships glittered with gold and silver; their oars were silvered over; and the curtains of the cabins were of purple. If they went on shore, it was to feast themselves in the most sumptuous and costly manner; and these entertainments were accompanied with concerts of music; their insolence and depredations had risen to an excess beyond all imagination. They had taken above 400 cities, and had plundered thirteen of the most famous temples in the world of all their riches: but their principal employment and delight, was to insult the Romans^e and humble the pride of Italy. They landed there, infested the main roads, and rifled the country houses that were not far from the sea.

But of all the mischiefs done by the pirates, that which occasioned most complaints at Rome, was the scarcity and dearness of provisions—a matter that always greatly affects the people. The multitude therefore were overjoyed at the proposal made by Gabinus to commission Pompey to clear the seas of those vermin.—But the tribune is said not to have been actuated by any zeal for the public welfare, but to have formed his project with the sole view of gaining Pompey's favour, and thereby mending his own fortune. He did not indeed name Pompey in the law, but the public voice sufficiently declared him to be the man intended, and

^e When any one, who was taken by them, declared himself a Roman, they pretended to be frightened, and to tremble: they struck their thighs, and fell at his feet, to ask him pardon. And when they had obtained forgiveness, they placed themselves about him, put on his shoes, clothed him in his proper habit, that (as they said) they might never mistake him any more; and when, in this manner, they had a long while made him their sport, they placed a ladder on the side of their ship, next the water, intimating to their prisoner, that he was now in full liberty to leave the vessel, and go whithersoever he pleased; and, upon his declining the favour, they threw him overboard.

The daughter of that very Marcus Antonius, who had been appointed to clear the seas of them, was carried by them from his house at Misenum. Plut. in Pomp.

the law was so worded, as to constitute, not a general, but a monarch, throughout the whole extent of the Roman empire. Gabinius proposed, that, out of the consulars, the people should choose one, to whom the command should be given for three years over the whole Mediterranean, from the pillars of Hercules, and over all the provinces bordering on that sea, as far as fifty miles within land. The person elected was to have power to chuse out of the senators fifteen lieutenants, and to take money at discretion, both out of the public treasury, and from the farmers of the revenue: and he was to have a fleet of 200 sail, with power to raise both soldiers and seamen, in what numbers he should judge necessary.

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The senators, who in general were very much alarmed at the tribune's motion, which manifestly tended to give the republic a sovereign, exclaimed loudly against it: they fell upon Gabinius with such rage, that, if we may believe Dio, he was near being killed upon the spot. The people, informed of the violence offered to their tribune, turned their fury against the senators, insomuch, that they were forced to seek their safety by flight. The consul Piso distinguished himself on this occasion, telling Pompey, that, as he trod in the steps of Romulus, he ought to expect the like end: words, which brought Piso into the same danger with which he had threatened Pompey. For the multitude gathered about him, and his life would have been in great hazard, if Gabinius, who feared the odium that would be brought upon himself, by the murder of the consul, had not controlled their fury. Opposition to the tribune's bill, from some of his colleagues, was now the senate's resource; but of the whole number two only, L. Trebellius and L. Roscius Otho, had the courage to brave the danger.

Vell. Pat.
l. 2. c. 32.
Plut. in
Pomp.
Dio.

The day came for the tribes to give their suffrages upon the law in question. Pompey acted his part to perfection. He ascended the rostra, and addressed the

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people to spare him; [he was then but in his thirty-ninth year; and every body saw him in perfect health, and full of vigour: yet] he was quite spent with his past fatigues;—and—indeed—he was afraid of envy:—he desired nothing so much as the tranquillity of a private life:—besides the commonwealth had many other persons more capable of serving it: of which capable persons, however, he would name none; because he would not give offence to any worthy man, whom, possibly, he might chance not to mention.

Gabinus likewise played his part in this comedy, undertaking to answer Pompey's reasons. He said, it were to be wished that the state abounded with men of superior merit, but that these were rare; and when the state was so happy as to possess one, it ought to reap advantage from his abilities. "For (turning to Pompey) you were not born for yourself only, you were born for your country."

Vid. vol. 3.
b. 6. c. 7.

The tribune Trebellius rose up to speak, but, observing that nobody was disposed to hear him, he only pronounced his veto. Gabinus, thinking himself authorized by the example of Tiberius Gracchus (in the case of his colleague Octavius), moved to have Trebellius deposed from his office: and seventeen of the thirty-five tribes had already voted for deposing him, when he desisted from his opposition.

Plut. et
Dio.

Roscius Otho, intimidated by the danger which his colleague had just escaped, and not being able, by any exertion of his voice, to make himself heard, amidst the noise of a multitude in so violent an agitation, only lifted up two fingers in the air, to signify that he would have the power, which was proposed to be given to Pompey, divided between two. The people understood his meaning perfectly well, and raised a cry of indignation so loud that a raven, it is said, flying over the assembly, was struck with the noise, as with a thunder-clap, and fell dead in the midst of the Forum.

Nevertheless, the grant of a power so exorbitant, and unknown to the laws, was strenuously opposed by Catulus, Hortensius, and all the chief men of the senate (Cæsar excepted), as dangerous to the public liberty, nor fit to be entrusted to any single person. They alleged, that these unusual grants were the cause of all the misery the republic had suffered from the proscriptions of Marius and Sylla, who, by a perpetual succession of extraordinary commands, were made too great to be controlled by the authority of the laws; that, though the same abuse of power was not to be apprehended from Pompey, yet the thing itself was pernicious, and contrary to the constitution of Rome; that the equality of democracy required that the public honours should be shared alike by all who were worthy of them; that there was no other way to make men worthy, and to furnish the city with a number and choice of experienced commanders: he concluded—"You love Pompey, and you have reason so to do. But your affection for him transports you too far; you charge him with all the most dangerous commissions, you expose him to the greatest dangers. Should you unfortunately happen to lose him, in whom would you place your confidence?" Upon which, as Cicero says, he reaped the just fruit of his virtue, when they all cried out with one voice, "In you, Catulus."

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Middl. p.
118.
Plut. in
Pomp.
et Dio.

Pro. Leg.
Man. 20.

The greater part of the day being spent in these disputes and harangues, it was necessary to put off the decision of the affair to another assembly. Pompey retired into the country, to shew his modesty, and to have the honour of being named in his absence to so important an employment. As there had been a precedent for the law a few days before in favour of M. Antonius, a man much inferior both in merit and interest, it was carried against the united authority of all the magistrates, but with the general inclination of the people. Pompey returned by night to Rome, in order to shun the concourse of the multitude, and the congratulations of his

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friends, who, coming to meet him, would have made his entry a kind of triumphal procession. At break of day he came abroad, and offered a sacrifice, and the people being again assembled, granted him several things, which had not been granted by Gabinus's law: for they decreed him 500 ships, 120,000 foot, 5,000 horse, twenty-four lieutenants to be chosen out of the senate, two quæstors, and 6,000 talents. From the greatest scarcity of provisions, which had been known for a long time in Rome, the credit of Pompey's name sunk the price of them at once, as if plenty had been actually restored.

But though the senate could not hinder the law, yet they had their revenge on Gabinus, the author of it, by preventing his being chosen one of Pompey's lieutenants, which was what he chiefly aimed at, and what Pompey himself solicited: though Pompey probably made him amends for it some other way. Since, as Cicero* says, he was so necessitous at this time, and so profligate, that, if he had not carried his law, he must have turned pirate himself.

* Post red.
in Senat. 5.

Cic. pro
Leg. Man.
Plut. in
Pomp.

As Pompey's first view was to restore plenty to the city, and this by delivering Sicily, Sardinia, and the coasts of Africa, the three granaries of Rome, from the fear of the pirates, he so distributed his fleet, that in forty days all the seas, from the straits to Greece, were perfectly cleared: provisions came in great abundance to the Roman markets, and Pompey was extolled to the skies. Only the consul Piso, through an inflexible obstinacy, prevented, or retarded, the levies of soldiers and seamen which had been granted: which obliged Pompey to return to Rome. He was received with the loudest applause; and the indignation of the people against Piso rose to such a height, that they were disposed to deprive him of the consulship: Gabinus had already drawn up a law for that purpose; but Pompey would not suffer things to be carried to that extremity. On the other hand, the senate would not support the

consul in his last measures ; so that Pompey obtained full satisfaction. He presently left Rome, and, at Brundisium, embarked again, in order to finish his enterprise.

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The pirates, as fast as they were driven out of their lurking-places, bent their course towards Cilicia, which was their most secure retreat. Pompey, in pursuing them to that coast, met several of their small fleets, which surrendered to him : he treated his prisoners with great humanity, and this conduct very much facilitated the completion of his enterprise : for those of the pirates, who had avoided his lieutenants, because more severe, came in from all parts to submit to him, and gave him intelligence of the retreats of the most resolute, and the most guilty of their associates. On the coast of Cilicia, near Coracesium, the whole remaining strength of the pirates, collected into one fleet, waited for him to give him battle. Pompey, with a fleet of sixty ships, defeated them without much difficulty. They shut themselves up in Coracesium, and sustained a siege ; but, at length, thinking it most prudent to submit, they surrendered to the victor their cities, the islands they had fortified, and, in a word, all their possessions, and themselves.

Plut. in
Pomp.

And thus was terminated the war with the pirates, the forty-ninth day after the departure of Pompey from Brundisium.

Pompey, in this expedition, had taken above 20,000 prisoners, and the question was how to dispose of them. He could not entertain the thought of putting them to death ; and, on the other hand, it was not safe to leave it in their power to renew the late mischiefs. He reflected (says Plutarch) that man is neither brutal nor unsociable ; that violence is a vice contrary to his nature, and may be changed by a change of habitation, and manner of living, as even the fiercest of wild beasts are by such methods made tame. He resolved therefore to

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remove his prisoners far from the sea-coast into the inland parts, and there disperse them. He settled many in certain cities of Cilicia, which were almost deserted; and especially in Soli, which had been lately ruined by Tigranes. It was afterward called Pompeiopolis, from the name of its restorer. He likewise transplanted a considerable number of them into Achaia, and even into Italy.

Vid. supr.
p. 297.

Cic. pro.
Leg. Man.
c. 12.

Plut. in
Pomp.

Pompey made a great figure in this war with the pirates; but his conduct towards Q. Metellus, who had been commissioned to reduce the island of Crete, dishonoured him. The success of Metellus in that enterprise, and the obstinate resistance of the Cretans, aided by the pirates, have been already mentioned. As they had heard much of Pompey's lenity and clemency, they sent deputies to him in Pamphylia, where he then was, having reduced Cilicia, declaring, by them, that they surrendered themselves to him, and were ready to submit to all that he should command. Ambitious of ruling alone, Pompey, contrary to all reason and decency, received the deputies of the Cretans, and their associate pirates: and, pretending that his commission included all Crete, because no part of that island was fifty miles from the sea, he, by letter, ordered Metellus to cease the war: and he afterward sent thither Octavius, one of his lieutenants, to receive the submission of the people; and in his name, and by his authority, to establish a peace. Metellus paid no regard to these orders, but pressed the siege of the place he had invested; so that Octavius, a Roman commander, was shut up in a town with pirates, to sustain a siege against a Roman army. When Metellus had forced the place, he caused the pirates to be executed, and treated Octavius himself with the utmost contempt: representing to him the unworthiness of his general's conduct, who, to gratify a mean jealousy, had taken under his protection the enemies of gods and men.

This affair continued in suspense till the next year, when the command of the war against Mithridates was given to Pompey; who then, being employed in more important cares, left Metellus to complete the conquest of Crete without interfering any more. For this conquest, Metellus acquired the surname of Creticus; but his triumph was postponed, through the intrigues of Pompey, and the tribunes of his faction.

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In the following consulship of M. Æmilius Lepidus, and L. Volcatius Tullus, Manilius, one of the tribunes, no sooner entered on his office than he raised a fresh disturbance in the city, by the promulgation of a law, for granting to slaves set free a right of voting among the tribes; which gave so much scandal to all, and was so vigorously opposed by the senate, that he was presently obliged to drop it: but being always venal, as Velleius says, and the tool of other men's power, that he might recover his credit with the people, and engage the favour of Pompey, he proposed a second law, that Pompey, who was then in Cilicia, extinguishing the remains of the piratic war, should have the government of Asia added to his commission, with the command of the Mithridatic war,^f and of all the Roman armies in those parts.

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Vell. Pat.
l. 2. c. 33.

This was, as Plutarch observes, putting the whole Roman empire into the hands of a single man. The senate therefore were more alarmed by this proposal than they had been by that of Gabinius: but the people, who at that time idolized Pompey, appeared so eagerly bent to exalt him, that of all the fathers, not one, except Hortensius and Catulus (who had both been consuls) ventured to speak in favour of the ancient maxims. Servilius Isauricus, a consular person; Cæsar (with a view, perhaps, to commissions for himself of the like irregular kind), and even Cicero, then prætor, Cicero,

Plut. in
Pomp.
App. Mi-
thrid. p.
238.
Dio, l. 36.

^f It was about eight years since Lucullus was first sent to that war, in which, by a series of many great and glorious acts, he had acquired a reputation both of courage and conduct equal to that of the greatest generals.

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tions on the
Life and
Writings
of Cicero,
p. 17. 2d
edit.

the consummate patriot, supported the tribune's proposal, though (as an ingenious and elegant writer observes) "They had not the least pretence of public necessity to justify it, as they seemed to have had in the commission they gave him against the pirates, who were, at that time, very formidable enemies: but Lucullus, who commanded in Asia, had overcome Mithridates in several battles, and was as capable of finishing the war as he whom they appointed to be his successor. With an eloquence worthy of a better cause, he most artfully reflected on Lucullus, whose reputation, as well as his authority, was to be made a sacrifice to the envy of Pompey: then he proceeded to descant upon Pompey's character, which he set off with all the ornaments of rhetoric; attributing to him the whole success, not only of the African, Spanish, and piratic wars, but even of that against the slaves, the honour of which was solely due to Crassus. Thus, by cruelly injuring two of the greatest generals that were in the commonwealth, by a most servile flattery of the man who was manifestly overturning all its liberties,^g he brought the people to consent to [or rather made the people more ardently desirous to pass] the Manilian law: which, had a^h re-

^g *i. e.* All those remains of Roman liberty, that could subsist under an usurped anticonstitutional, infamous aristocracy, or oligarchy; where not only offices of trust, and even the highest magistracies, but judiciary decrees, were openly bought and sold. Vid. supra, p. 284.

^h "We have (says M. Crevier) the discourse which Cicero pronounced on this occasion. It is more to his honour as an orator than as a patriot, or commonwealth's-man. Dio censures him for it, with a severity which I shall not imitate. This historian is almost always unjust in his judgment of those who distinguished themselves by their virtue (*i. e.* their zeal for the aristocracy) in the times we are speaking of. In truth, it is very hard to clear Cicero from the charge of not being faithful enough to the maxims of the aristocracy [as if it was a proof of virtue to adhere to those maxims in the Roman democracy]. But he had the consulship nearly in view, and it behoved him, therefore, to gain the people's favour, and make sure of the friendship of Pompey. I am, nevertheless, persuaded, that, if Cicero had looked upon Manilius's project as a measure pernicious to the commonwealth, he would never have promoted it, for the sake of any personal advantage to himself."

Vid. supr.
p. 301.

This is surely having a faith absolutely implicit in the virtue and integrity of Cicero, such a faith as Cicero, in excuse of himself, pretends to have had in the virtue of Pompey. How far this faith is defensible, I shall leave to the reader's consideration. Most persons, who are members of a free state, will, I imagine, judge, that if Pompey aspired to the commission in question, or discovered a willingness to accept it, he was by no means fit to be trusted with it; unless it were intended by his constituents as a thing eligible and desirable, to reduce the government to a monarchy.

I have observed, that this ingenious French writer seems frequently to make the

gard to the interest of his country been his constant principle, he ought to have opposed as violently as he did afterward the Agrarian law, or any other attempt against the safety and freedom of the state."

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Plut.
Dio.
Appian.

Manilius's bill, passing into a law, placed Pompey at the utmost height of his wishes; he saw himself raised, by the suffrages of his fellow-citizens, to a power almost equal to that which Sylla had forcibly usurped. But his natural disposition, and a long habit of profound dissimulation, made him pretend great affliction, when he received the news of the honour done him. His friends vied with each other in expressing their joy; but he, frowning and striking his thigh, cried out, "O gods! am I then condemned to endless labour? How much better would it have been for me to have lived without glory and unknown, than to be thus for ever armed, for ever making war! Must I then be always exposed to that envy which persecutes me? Must I never be suffered to enjoy, in the tranquillity of a country life, the dear company of my wife and children?" This dissimulation, this hypocrisy (says Plutarch),ⁱ was intolerable even to his most familiar friends, who well knew, that, besides the pleasure of having his ambition satisfied, he had another exquisite joy, from the mortification of his hated rival Lucullus, to whom nothing could be more offensive than to be supplanted in his command by Pompey. But before we enter on Pompey's exploits, in the war against Mithridates, it will be proper to take a view of what had passed in Asia and the east, since the peace which that prince concluded with Sylla, in the year 668 of Rome: and of the present situation of things in that country.

aristocracy, and the commonwealth, or free state, synonymous terms; whereas the freedom of the Roman people, from the time of Sylla, who, by laws of his own, established the aristocracy, was surely, at best, no better than the freedom of outlaws and banditti, who are under the guidance of suitable leaders; and the senate itself was notoriously a *spelunca latronum*.

ⁱ N. B. This historian, in the beginning of his history of Pompey's life, makes sincerity and veracity parts of his character.

CHAP. VII.

The occasion and commencement (in 669 or 670) of the second Mithridatic war, under the conduct of Muræna. He concludes a peace with the king in 672, by order of Sylla, then dictator. The third Mithridatic war commences in 679, under the conduct of L. Licinius Lucullus, then consul; and is carried on by him to the year 687, when he is succeeded in the command by Pompey.

App. Mi-
thrid. p.
214.

THE king of Pontus had no sooner made peace with the Romans, than he turned his arms against the people of Colchis, who had thrown off his government: but they requesting him to give them his son Mithridates to be their king, and he granting their request, they immediately submitted. The father, nevertheless, suspecting that the late rebellion might be the effect of his son's intrigues to obtain for himself a kingdom, sent for him, bound him with chains of gold, and then put him to death.

After this he undertook the reduction of the Bosporani, who had rebelled at the same time with the people of Colchis: and for this enterprize he made such great preparations, both of men and ships, as gave reason to think he had the Romans more in view than his rebellious subjects. And this seemed the more probable, as he retained several fortresses in Cappadocia, notwithstanding his engagement by treaty to yield that country to Ariobarzanes.

Muræna, who had been left by Sylla in Asia with Fimbria's legions, and who with much ardency aspired to the honour of a triumph, was glad of these pretexts for renewing the war. While this project engaged all his thoughts, Archelaus, with his wife and children, took refuge with him. This general had been suspected by Mithridates, ever since the battle of Chæronea, and the subsequent negotiation with Sylla; in which the king thought his interest had been sacrificed by his general to that of the Romans. Archelaus, who knew his master's temper, and therefore his own danger, put himself for safety into Muræna's hands, and then urged him to

renew the war: an advice which he readily listened to; it being so agreeable to his own predetermination. He entered Cappadocia, seized the city of Comana, and there plundered the rich temple of Bellona. On these hostilities, the king of Pontus, by an embassy,^k remonstrated to Muræna, that he acted contrary to the treaty lately concluded. As the treaty between Sylla and Mithridates had not been put in writing, the parties having been contented with the execution of the conditions, Muræna answered that he knew nothing of it. He continued his incursions and depredations, and took up his winter-quarters in Cappadocia.^l The king sent his complaints to Rome, and, while he waited for an answer, suffered Muræna unmolested to pursue his hostilities. At length Callidius arrived, bringing with him, not a written decree of the senate, but a mere verbal order to Muræna, to discontinue the war against Mithridates. At least, this is what he said to the Roman general in public, but they saw each other in private, and the war went on as before.

App. Mi-
thridat. p.
215.

Muræna passed the river Halys, as if intending to march to Sinope, the capital of the kingdom of Mithridates, and the place where he was born.

Memnon.
apud Phot.

Against the Roman general the king detached Gordius, whom he soon after followed in person, with numerous forces. The armies approached near to each other: the Halys only was between them. Mithridates passed the river in spite of all opposition from the enemy. A general action ensued, but with what success does not appear. Each side pretended to the victory; yet it would seem that neither had great cause to boast: for Mithridates, after the battle, retired towards Colchis, and Muræna into Phrygia. The king, however, celebrated his pretended victory by a solemn sacrifice, after the manner

App. ubi
supr.

^k The ambassadors are said to have been some Greek philosophers, who endeavoured, instead of serving the king, to render him more odious to the Romans.

^l It is probable, that all this passed in the year 670, the consulship of Scipio and Norbanus.

of the Persians, from whom he derived his origin. This was the last action of the second war with Mithridates, which had lasted about three years. Sylla, being created dictator, sent his absolute orders to Muræna to desist from hostilities. Y. R. 672. Gabinius, the bearer of these orders, was likewise commissioned to reconcile the two kings, Mithridates and Ariobarzanes. The dictator's will was punctually complied with, and, to seal the reconciliation, the king of Pontus gave a great feast to Ariobarzanes and Gabinius.

Muræna seems to have had no good title to a triumph, yet he had that honour: perhaps Sylla, who knew in what manner Mithridates had celebrated his pretended victory, was willing, for the honour of the Roman name, to grant a triumph to Muræna.

App. Mi-
thrid. p.
216.

Y. R.
673, 674.

Mithridates, as we have seen, had twice made peace with the Romans; but he had no written treaty, either with Sylla or Muræna. He sent ambassadors therefore to Rome, to demand a decree of the senate, authorizing what had been stipulated between him and the Roman generals: but as Ariobarzanes had likewise sent ambassadors to Rome, to complain, that Mithridates had not restored to him all Cappadocia, Sylla, who was then dictator, decreed, that the king of Pontus should, previously to any new transaction, evacuate Cappadocia entirely, as had been agreed. Mithridates obeyed; and afterward sent a new embassy finally to settle the treaty.

* He died
in 675.

But Sylla* was then dead, and the thoughts of the Romans were so much engrossed with intestine troubles and divisions, that the ambassadors could not obtain audience of the senate: they returned, therefore, without an answer, to their master, who was not sorry to have that pretext for accusing the Romans of an intention to renew the war.

He had taken care to keep his troops in exercise, by making war upon several nations on the borders of the Phasis and Mount Caucasus, and likewise upon the

people of the Cimmerian Bosphorus, whom he subjected, and over whom he made his son, Machares, king.

And now the difficulties, into which the war of Lepidus, and, afterward, that of Sertorius, had thrown the Roman commonwealth, made the king of Pontus believe he might renew hostilities with advantage. However, at first, he did not appear himself, but engaged Tigranes to act, who, having entered Cappadocia, became presently master of it, ruined twelve Grecian cities in that country, and carried off the inhabitants, to the number of 300,000, to people his favourite city, Tigranocerta.

Y. R.
675, 676.

In the year of Rome 678* died Nicomedes, king of Bithynia, who, by his will, made the Roman people his heir; whereupon M. Junius Silanus, proconsul of Asia, received orders to go into that kingdom, and reduce it into a Roman province. Mithridates, who had long entertained the design of seizing that kingdom, would by no means acquiesce in its becoming a part of the Roman dominion. It was at this time therefore he threw off the mask, and having sent the famous embassy, before spoken of, to Sertorius, undertook this his third war against the Romans, with more confidence than he had done the two former; his preparations being more judiciously made. Instead of an innumerable multitude of barbarians, of different nations and languages, whose confused noises could only terrify the soft Asiatics, and whose arms glittered with gold and precious stones, he assembled an army of 120,000 stout soldiers, formed and disciplined after the Roman manner. To this body of infantry he added 16,000 troopers well mounted, and 100 chariots armed with scythes. He likewise fitted out a fleet of 400 sail, well manned; and he amassed above 9,000,000 of bushels of corn, which he distributed, in different magazines, along the coast. Thus prepared for war, he attacked Bithynia both by land and sea.

Liv. Epit.
l. 93.
Y. R. 678

Plut. in
Luc.

* Consulship of L. Octavius and C. Aurelius Cotta.

Y. R. 679.

The consular fasces had been transferred to L. Licinius Lucullus^m and M. Aurelius Cotta; and the province of Gallia Cisalpina had fallen by lot to the former: but news being soon after brought to Rome, that the government of Cilicia was vacant (by the death of L. Octavius, who had succeeded Servilius Isauricus), Lucullus, ardently desirous of conducting the war against Mithridates, employed all his thoughts to get Cilicia assigned to him; because as Cappadocia joined to Cilicia, if he obtained this province, the accomplishment of his other desire would be a natural consequence.

Plut. in
Lucull.

In order to obtain his wish, he was forced to pay humble court to the mistress of one Cethegus, an infamous, contemptible man, but who had found means to make himself so very popular, that nothing was done at Rome without his approbation; and there was no access to him, but through his mistress, Precia. Lucullus gained her by presents. It greatly flattered her vanity, that a consul, and such a man as Lucullus, should solicit her protection. The province of Cilicia was given to him by the people, and, of course, as he had foreseen, the conduct of the war against the king of Pontus. However, his colleague, Cotta, desiring to have part in that enterprise, obtained of the senate to send him

^m Plutarch tells us, that the father of Lucullus, who had been prætor in Sicily, was accused and found guilty of extortion, and that his mother, sister of Metellus Numidicus, was a woman of very indiscreet conduct. Lucullus distinguished himself by a very uncommon degree of fraternal affection. He was older than his brother Marcus, and therefore sooner capable of holding offices; but never would accept of any office till his brother became capable, by his years, of being associated with him: and the Roman people were so pleased with this turn of his mind, that in his absence they chose him ædile, conjointly with that brother who was so dear to him: he was much addicted to letters, and could write and speak readily in the Greek as well as the Roman language. A history of the Marsic war, written by him in Greek, was extant in Plutarch's time. He was fortunately absent from Italy during those dreadful times, when Marius and Sylla caused such desolation there. He had no share in the dictator's tyrannical proceedings. Nevertheless, Sylla always treated him as a person he esteemed and loved, and employed him in his most important affairs: and, as a mark of particular friendship, inscribed his Commentaries to him, and left him guardian to his son (as was before mentioned). Cicero declares, that Lucullus set out from Rome with little or no experience in war, and arrived in Asia an accomplished general: but we learn from others, that Lucullus had served with distinction in the Social war, and had been Sylla's quæstor, and in that capacity had commanded a fleet, and fought several battles, in all which he came off victorious. He had been ædile in 674; prætor at Rome in 676; and prætor in Africa in 677.

with a fleet to guard the Propontis, and to defend Bithynia.

Lucullus carried only one legion from Italy : he found four in Asia, but two of the four were those who (as above related) had formerly killed Flaccus their general, and afterward betrayed Fimbria : all stout soldiers, experienced in war, and inured to fatigues, but intractable, seditious, and accustomed not to obey their commanders, but to be humoured by them. Lucullus had the skill to bring them under better discipline; though not to keep them in obedience to the end of the war.

And whereas the exactions of Sylla, and the oppressions and extortions of the publicans and usurers, had greatly indisposed the cities of Asia towards the Roman government, Lucullus applied himself to remedy this evil, as much as the cares of the war would allow him to do. He checked the harpies (as Plutarch calls them) in their course of oppression, till he could entirely expel them ; insomuch, that the states of Asia left him in full liberty to march without fear to the aid of his colleague Cotta, who, by imprudence, had brought himself into very great danger. For being arrived in Bithynia, and finding Mithridates there with his army, he aspired to the glory of conquering him without the aid of Lucullus. Defeated near Chalcedon both by land and sea in one day, he lost 4,000 Romans, and above sixty ships, and was obliged to shut himself up in that city, where he had no hope of succour, but from his colleague. If

Lucullus had followed the inclinations of his soldiers, he would not have attempted to relieve Cotta, with whom they were greatly offended, on account of his project of conquering without them. They would have had their general turn his arms towards Pontus ; but he, having called them together, declared to them, that he had rather rescue a single Roman citizen from danger, than conquer all the dominions of Mithridates. He began his march, therefore, towards Bithynia ; upon

Liv. Epit.
l. 93.
App. Mithrid. p.
218.
Plut. in
Luc.

Strab. l.
12. p. 575.
Plut. in
Luc.

advice of which Mithridates left Chalcedon and Cotta, and met Lucullus near Otryæ, a city of Phrygia; but a mass of fire falling between the two armies, this prodigy so terrified them, that they separated, as it were, by consent. Lucullus, judging from the enormous multitude which followed Mithridates, that he would soon be obliged to retire for want of provisions, resolved to avoid an action. Accordingly it so fell out: the king decamped, and to conceal his march, set forward in a very dark and rainy night, and arrived before Cyzicum, an important city,ⁿ and one of the keys of Asia. The inhabitants had suffered a considerable blow in the naval battle of Chalcedon, where they had lost 3,000 men and ten ships, so that he expected to carry the place with ease. He formed ten camps about it, and made his fleet shut up the two extremities of the strait, that separated the island from the continent. Lucullus, nevertheless, who had followed the enemy, and had encamped at a small distance from them upon an eminence, where he was safe from insult, and at hand to cut off their provisions, boasted to his soldiers, that, without fighting, he should force Mithridates to quit his enterprise.

The Cyzicenians sustained the siege with wonderful resolution, only they were somewhat disturbed for having no news of the Roman general. They could see his camp, but did not know that it was his; for the enemy had made them believe, that it was the camp of the Armenians and Medes, sent by Tigranes to the aid of Mithridates. Lucullus very soon found means to undeceive them.

The king's army began to suffer famine; however, he would not yet abandon his enterprise; only, to be less straitened for want of provisions, he sent almost all his cavalry, the beasts of burden, and that part of his infantry, which, having suffered most, was least capable

ⁿ It was about fifty miles in circumference, and situated in an island of the Propontis.

of service. Lucullus intercepted this detachment near the river Rhyndicus; many were killed on the spot, and 15,000 taken prisoners, together with 6,000 horses, and a prodigious number of beasts of burden. Lucullus brought all to his camp, passing within view of the besiegers, in a kind of triumph. The famine increased in the king's camp; for the sea, by which he had been hitherto supplied with provisions, became impracticable on account of the bad season. Many, therefore, died of hunger; some fed on human flesh; others, who, abhorring that diet, fed upon grass and herbage, sunk through weakness; and the great number of the dead, that remained without burial, brought the plague into the camp: Mithridates, nevertheless, continued the siege, waiting the success of some batteries he had planted. The Cyziceniens, who knew the weak condition of his troops, made a vigorous sally, destroyed his works, and burnt all his engines. Nothing remained now for the king but flight, and this was difficult in the presence of a victorious army. To divert the thoughts of Lucullus to another object, he equipped another squadron of ships, that was to go to the *Ægean* sea. Aristonicus, the admiral, carried 10,000 pieces of gold with him, in order to corrupt, if possible, Fimbria's legions, which Mithridates had long been in hopes of seducing. His hopes had some foundation, as those soldiers were mutinous and seditious, and had been adherents to Marius's faction, of which he had actually with him some persons, sent to him by Sertorius. Fimbria's soldiers pretended to listen to the proposals of Aristonicus, but, having contrived to draw him to a place where they were masters, seized both his gold and him, and killed those that accompanied him.

In the meantime, Mithridates was making the best dispositions he could for retiring from before Cyzicum. He directed two of his generals to march his land forces, which were still about 30,000, to Lampsacus. As for

App. Mi-
thrid. p.
221.
Plut. in
Luc.

App. Mi-
thrid. p.
222.

himself, he embarked for Parium, and had a safe passage ; but his land army was pursued, and overtaken near the Granicus (or the *Æsepus*) by the Romans, who cut in pieces near 20,000 of them, and took many prisoners. Those few that escaped shut themselves up in Lampsacus. Lucullus appeared before the place, and they would have fallen into his hands, if Mithridates had not sent ships to carry them off with all the inhabitants. The Roman general returned to Cyzicum,^o and was received with acclamations by the inhabitants, who, in honour of him, instituted a festival, which they called *Lucullea*.

Plut. in
Luc.

It is said, that Mithridates, in this unfortunate expedition, did not lose less than 300,000 men, including the necessary followers of an army.

Ib.

App. Mi-
thrid. p.
223.

Lucullus turned his thoughts to drive Mithridates entirely out of Bithynia ; but for that purpose he wanted a fleet, Mithridates being master of the sea : nevertheless, he declined an offer made him by the senate of 3,000 talents, to equip a fleet : to this he answered, that the zeal and fidelity of the allies of the republic would supply him with what he wanted. Accordingly he drew together a great number of ships from the cities of Asia, and in a little time was able to distress Mithridates by sea as well as by land. His lieutenants, Vconius Barba, and Valerius Triarius, took the principal cities of Bithynia, Apamea, Prusa, Prusias, Nicæa : and Mithridates, after a shipwreck, in which he lost a great number of vessels, near Parium, was obliged to shut himself up in Nicomedia, whither Cotta first, and afterward Triarius, came to besiege him.

The king, far from being driven to despair by so much bad success, or from confining himself to the defensive, actually sent away a fleet to support the revolt which Spartacus had excited in Italy. He had given the command of this fleet to two of his own officers, and M.

^o The siege of Cyzicum seems to have been begun towards the end of the year 679, in which L. Lucullus was consul ; and it was raised in the beginning of the consulship of M. Terentius Varro Lucullus and C. Cassius Varus, year of Rome 680.

Marius, whom Sertorius had sent to him with the title of proconsul. Lucullus sailed in quest of this fleet, found it in the road of Lemnos, and destroyed the whole, being thirty-two ships of war, with a great number of transports; and the three admirals were made prisoners. Lucullus considering Marius as a traitor to his country, and apprehending that he might escape due punishment, by dying sword in hand, had taken the precaution, before the battle, to order his soldiers not to kill any man who had but one eye, which was Marius's case; the victor put him to death by torture. Plut. in
Luc.

The entire evacuation of Bithynia by Mithridates, was the consequence of this victory; for having received advice, that Lucullus was advancing against him with the utmost expedition, he set sail from Nicomedia, to return into his own kingdom: but not far from Heraclea a violent storm dispersed his fleet, and sunk many of his ships. The whole coast was covered with the wrecks; and this completed the ruin of his maritime forces. Being himself in a ship too large to approach the shore, during the violent agitation of the sea, he was constrained to go on board a pirate's sloop; in which he escaped to Heraclea.

This city did not belong to him, but was a petty Grecian republic, which, discontented with the exactions of the Romans, and yet dreading their power, remained fluctuating between the two parties. It was by means of a secret intelligence with one of the principal citizens, that the king got admittance: but being once admitted, he easily brought the citizens to declare in his favour: after which, under pretext of defending the town against the Romans, he placed there a garrison of 4,000 men, then marched to Sinope, and from thence to Amisus. Memnon.
apud Phot.

Lucullus, after conferring with Cotta, left to him the care of besieging Heraclea, gave the command of the fleet to Triarius, and resolved in person to pursue Mithridates by land, and carry the war into his dominions.

The king neglected nothing in so pressing a danger,

App. Mi-
thrid. p.
224.

Y. R. 680.

* Some-
what more
than a
bushel.
Plut. in
Luc.

sent ambassadors and letters to the Armenian and Parthian kings, and to the kings of Scythia. The minister whom he sent into Scythia betrayed him; carrying the gold and presents, with which he was intrusted, into the camp of Lucullus. The king of Parthia would have nothing to do with a quarrel that seemed foreign to him. Only Tigranes, solicited by one of his wives, the daughter of Mithridates, made some promises, but was not in haste to put them in execution. The king of Pontus, thus reduced to place all his hopes in himself, undertook to traverse the march of Lucullus, sending light-armed troops to harass him, and intercept his convoys; inso-much, that the Roman general, in order to have bread, made 30,000 Gallo-Greeks, each with a medimnus* of corn upon his shoulders, march along with the army. But this scarcity was of no long duration: the Roman army soon found itself in a plentiful country; which, not having for a long time past experienced the calamities of war, supplied the conquerors with such abundance, that an ox was sold for a drachm, a slave for four, and the rest of the booty was reckoned of no value, because they could find no purchasers.

Lucullus not meeting with any resistance, laid siege to two cities, neighbouring one to the other, Amisus and Eupatoria. He did not, however, press the siege of those places. Blocking them up, he advanced into the country as far as Themiscyra, near the Thermodon. His soldiers, greedy of plunder, were much dissatisfied with his manner of carrying on the war. Many places, which had surrendered to him, he had received on capitulation: he had taken none by force of arms: and it was manifest that he intended to spare Amisus, which was one of the royal cities of Mithridates, who had a palace in it. Lucullus despised their murmurs, but thought himself obliged to justify his conduct to those who thought that he did not follow Mithridates close enough, but imprudently gave him time to assemble new forces.

“ There is nothing I wish more (said Lucullus), than to see Mithridates again at the head of an army, numerous enough to make him believe he is in a condition to contend with us, and under no necessity of flying at our approach. Should he despair of defending himself by his own strength, he will have recourse to his son-in-law, Tigranes, king of Armenia, the most powerful prince of Asia, and who is seeking a pretence for making war against us : and what more specious pretext can he have than that of defending a prince his ally, who implores his protection?” In fact, Lucullus suffered the rest of the campaign to pass without any considerable enterprise, and Mithridates took advantage of this inaction to draw together, during the winter, 40,000 foot, and 4,000 horse, with which, in the beginning of the spring, he passed the Lycus, and marched to meet the Romans, who were advancing in quest of him.

The two armies, though for a considerable time in view of each other, came to no general engagement. In a skirmish of the cavalry, Mithridates had all the advantage ; insomuch that the Roman, sensible of the enemy’s superiority in horse, and therefore, of the necessity of avoiding the plains, removed his camp to an eminence, where he could not be forced to fight against his will.

It was about this time that Lucullus narrowly escaped being assassinated by Olthacus, prince of the Dandarians, a nation in the neighbourhood of the Palus Mæotis. This prince, having promised Mithridates to rid him of Lucullus, came to the Roman camp as a deserter, and so far insinuated himself into the good graces of the general, as to be often admitted to his table, and even to his councils. The Dundarian, having chosen a day for the execution of his purpose, commanded his servant to keep his horse in readiness for him without the camp ; and, at noon, when the excessive heat dis-

Plut. in
Luc.

*Y. R. 681-
App Mi-
thrid. p.
225.

Plut. in
Luc.

* L. Gellius Poplicola and Cn. Corn. Lentulus Clodianus.

posed every body, soldiers and officers, to take some repose, he went to Lucullus's tent, expecting to be readily admitted. But as Lucullus, who had fatigued himself very much the day before, and had passed the night without sleep, was just then laid down to rest, his servant signified this to Olthacus. The prince, nevertheless, answered peremptorily, that he would go in; for that he must speak to the general upon an affair of importance. To which the servant replied, "There is nothing more important than my master's health:" and then, without hearkening any farther to him, roughly with both his hands pushed him away. Olthacus, afraid of being suspected, left the camp immediately, and returned to Mithridates.

App. Mithrid. p. 226.

Plut. in Luc.

In the meantime, both armies began to suffer famine, having eaten up the country where they were. The Romans had no provisions but what they brought from the territories of Ariobarzanes, and were obliged to detach large bodies of troops to escort their convoys. Mithridates rightly judged, that if he could intercept their convoys, he should reduce Lucullus to the same state to which Lucullus had reduced him before Cyzicum. This, therefore, he attempted: whereupon two considerable actions ensued, in both which the Romans were victorious. In the second, the king's detachment, amounting to 4,000 foot and 2,000 horse, was so entirely overthrown, that only two men escaped to carry to their master the news of his misfortune. The victors passed insulting before his camp, with a long train of carriages, loaded with spoils and provisions; and this sight spread so great a consternation among his troops, that he lost all confidence in their service, and, being distressed by the want of provisions, resolved to steal away from his army: and this resolution he imparted to the principal persons of his council, who immediately turned their thoughts to save their baggage, by sending it off with all expedition. The soldiers observing these preparations for flight, stopped the baggage: a scuffle en-

sued; the enraged multitude plundered the carriages, and massacred those to whom they belonged. Dorylaus, one of Mithridates's principal generals, was murdered solely for the sake of the purple robe which he wore. Upon this uproar, the king came out of his tent, and endeavoured to pacify the troops; but nobody hearkened to him; and when, without either officer or slave to attend him, he sought to escape by flight, he was thrown down, and must have been trampled to death, if one of his eunuchs, who perceived him in that miserable condition, had not given him timely aid, and a horse to carry him off. Lucullus, apprised of what had passed, sent his cavalry in pursuit of the runaways, while he himself with the legions entered the camp. A body of Gallo-Grecian horse pursued Mithridates so close, that it would have been scarce possible for him to escape, had not the pursuers found in their way a mule loaded with gold. Their stopping to seize the rich prey^p gave him time sufficient. He arrived at Comana, and from thence went to Tigranes in Armenia. By this victory, all Pontus was subjected to the Romans. Lucullus took the city of Cabira, where Mithridates had passed the preceding winter; hither came the commanders of forts and castles,^q bringing the keys of them

App. Mi-
thrid. p.
227.
Plut. in
Luc.

^p The king's secretary had fallen into the hands of the Romans: and though Lucullus had given orders that particular care should be taken of him, yet those to whose charge he was committed, having discovered that he had 500 pieces of gold about him, killed him for the sake of the money. Plut. in Lucull.

Lucullus had likewise forbid the soldiers to plunder the camp, it being, probably, his purpose to have all the spoil collected, and then equally distributed among them, according to ancient custom. But times were changed: the sight of so many gold and silver vessels, purple carpets, and other rich spoil, made them regardless of the general's orders. App. Mithr. p. 227.

^q In these castles, the Roman general found great treasure and many prisoners, who had been long shut up. Of these some were Greeks, others princes of the royal family, whom the public supposed to be dead. Nysa, the sister of Mithridates, and widow of Nicomedes, became Lucullus's prisoner on this occasion, and very fortunately for her: for the sisters and wives of Mithridates, who had not fallen into the hands of the Romans, but were kept under guard, near Pharnacia, perished miserably. The king, not finding Tigranes very forward to assist him, and therefore, thinking himself irretrievably ruined, sent the eunuch Bacchidas to Pharnacia, with orders to his two sisters, Roxana and Statira, who had never been married, and were then about forty years of age, to die. Roxana loaded with imprecations her barbarous brother; the other, affecting an heroic courage, highly praised the goodness of the king, who, not being able to protect them, spared them at least the shame of captivity, and perhaps of a treatment most unworthy of their rank.

to the victor without delay. He followed Mithridates in his flight, till he learnt that the king had entered the dominions of Tigranes: then, turning back, he reduced Armenia Minor, and some nations in the neighbourhood of Colchis: after which he led his army towards the cities of Amisus and Eupatoria, which had been
 *Y. R. 682. only blockaded during his absence. He presently took Eupatoria by assault: Amisus cost him more trouble, having a good engineer for its governor, a man well skilled in the science of defending towns. Lucullus, nevertheless, choosing a time to assault the walls, when the governor did not expect it, carried the place. The governor made his escape by sea, and, in going off, set the city on fire, the better to secure his retreat; or, perhaps, to prevent the Romans from enriching themselves with the plunder. It was originally Grecian, and a colony from Athens; for which reason, especially, the victor was very desirous to save it. He would have had his soldiers extinguish the fire, and forbear plundering; but, seeing them ready to mutiny, he suffered them to plunder, hoping that this would engage them to stop the conflagration. But they, on the contrary, searching into every dark corner with torches^r for hidden treasures, set fire themselves to a great number of the houses. A heavy rain, however, happily falling, extinguished the fire. Lucullus gave orders for rebuilding what was destroyed, and signalized his humanity in

Berenice and Monima, two of the king's wives, perished in the same castle. Berenice was accompanied by her mother, then very old, who would share with her daughter the cup of poison: and she quickly expired. But the daughter, being young, was not so soon dispatched; so that Bacchidas, being in haste, strangled her. When Bacchidas signified to Monima the king's order to die, which left her to choose what kind of death she pleased, she snatched off the diadem that encircled her head, and, having put it round her neck, hung herself up by it: but the weight of her body soon breaking it, she threw it upon the ground, and spit upon it, saying, "Wretched bandage, couldst thou not do me such a service as this at least!" and then she presented her throat to the eunuch's sword. Plut. in Lucull.

^r Lucullus is reported to have wept when he saw the desolation of this city, and to have said to his friends, that he had always looked upon Sylla as the happiest of men, in that he had been willing and able to preserve Athens from destruction; but his own hard fate would make him resemble Mummius, who took Corinth, and destroyed it. Plut.

* Consulship of Cn. Aufidius Orestes and L. Corn. Lentulus Sura.

many instances; after which he set out for Asia, there to pass the winter, sending, at the same time, his brother-in-law, Appius Claudius, to Tigranes, to demand of him to deliver up Mithridates to the Romans.

Asia was, at this time, in a state of extreme distress. The fine of 20,000 talents, laid on by Sylla, had given occasion to numberless oppressions by the Roman farmers of the taxes, and by the usurers. The cities were constrained to sell the ornaments of their temples, and the paintings and statues which adorned their public buildings. Fathers sold their sons and daughters; and, even after this, they themselves were so cruelly treated, that slavery, into which they fell at last, seemed to them a redemption from it. Lucullus, to remedy these evils, in the first place prohibited the exacting a greater interest than twelve per cent. which it was the custom of the Romans to pay for money lent. In the second place he entirely cancelled those debts, of which the interest had exceeded the principal. And, lastly, he decreed, that the fourth part of the debtor's estate should be made over to the creditor, till the discharge of the debts; declaring farther, that whoever should add the interest to the principal, and exact interest for the whole, should lose both absolutely. By these methods, in less than four years, the debts were paid off, and the estates became clear in the hands of the owners. The usurers, though they had already received 40,000 talents,† the double of the principal sum; yet, accumulating interest upon interest, pretended that 80,000 talents‡ were still due to them from the province.

In great wrath, therefore, were these usurers; and they hired certain mercenary orators to declaim against Lucullus at Rome; where, the greater part of those who governed the state being in debt to the same usurers, these doubted not of the success of the in-

* Consulship of M. Licinius Crassus and Cn. Pompeius Magnus.

† 7,750,000*l.*

‡ 15,500,000*l.*

Plut. in
Luc.
*Y. R. 683

vectives. Lucullus, however, enjoyed the unmixed delight of being incessantly blessed by multitudes, and even whole nations, which he had relieved from misery. The fame of his justice spread into the neighbouring provinces, and made them envy the happiness of the people who had such a governor.

In the meantime Appius Claudius returned from the court of Tigranes, to whom he had been sent to demand Mithridates.

Plut. in
Luc. et
Strab. l.
11, p. 532.

Tigranes was, at that time, the most powerful king of Asia; much more powerful than his father had been, who had reigned over a part only of Armenia. He had passed his youth as a hostage among the Parthians, and did not obtain his liberty, without making a cession to them of a considerable part of the dominions of his ancestors; but he had no sooner mounted the throne, than he conceived thoughts of aggrandizing himself; and, having subdued several petty princes, his neighbours, he thence assumed the pompous title of king of kings. Having augmented his strength by these conquests, he retook from the Parthians the country which he had been obliged to resign to them; and he even entered their territory, and ravaged it. He subdued Mesopotamia, and filled it with Greeks, transplanted from Cilicia and Cappadocia. He constrained the Arabians, called Scenitæ, to quit their deserts; and having settled them in permanent abodes, employed them in carrying on the commerce of the different parts of his vast dominions. And, at length, the Syrians, quite tired out by the divisions that were perpetually reviving between the princes of the house of the Seleucidæ, cast themselves under his protection: and it was in the city of Antioch, the capital of the kingdom of Syria, that he gave audience to Appius Claudius.

Plut. in
Luc.

This course of prosperity, not interrupted by any stroke of adverse fortune, had rendered Tigranes frantic with pride. He had amongst his servants several kings,

whom he constrained to wait upon him : and particularly four, who, when he was on horseback, attended him on foot, meanly habited ; and when he gave audience sitting upon his throne, they stood on each side with their hands across, to express, by that attitude, that they were humble slaves, ready to suffer whatever their imperious master should ordain.

This theatrical show made no impression upon Appius. When he was admitted to an audience, he told the monarch plainly, that he was come to carry away Mithridates as a conquered enemy, destined to adorn the triumph of Lucullus ; and to declare war against Tigranes himself, in case of his refusal to deliver up the king of Pontus. The Armenian, having never heard a word of such freedom during the five-and-twenty years he had reigned, was disconcerted by the unexpected haughtiness of the young Roman. Nevertheless, he affected to appear unmoved, and answered with an air of serenity, that he would not abandon his father-in-law ; and that, as to himself, if the Romans thought proper to begin a war with him, he should know what measures to take in his defence, and would make them repent of their aggression. As Lucullus, in his letter to him, had styled him only king, not king of kings, he put on the superscription of his answer, only the name of Lucullus, without adding imperator. However, he did not omit to send the customary presents to Appius ; and, when the Roman refused them, Tigranes insisted, adding other presents more considerable. Appius, judging it not proper to appear so much out of humour, as to act towards the king like an enemy, accepted a cup, but sent back the rest, and returned to Lucullus with all possible expedition.

This embassy had a good effect in favour of Mithridates ; with regard to whose interests Tigranes had hitherto shewn himself remarkably cold, having never so much as seen him, since his coming into Armenia.

But now he invited him to court, and had frequent conferences with him.

Lucullus had no sooner received the answer of Tigranes, than he prepared to carry the war into that prince's dominions. Leaving Asia, he rejoined his army in Pontus, where Cotta had just got possession of Heraclea, after a two years' siege; the commander of the garrison having betrayed the town to Triarius, the Roman admiral, who attacked it by sea. Cotta carried off great numbers of the inhabitants into captivity, rifled the temples of their treasures, and of their statues of the gods; and when he was possessed of all the riches of the place, he set it on fire, reducing the greater part of it to ashes; after which he returned to Italy, leaving the troops, that had been under his command, to Lucullus.

Ap. Phot.

The people of Heraclea, having sent ambassadors to Rome, to complain of Cotta's violences, he was very ill received there at his arrival. Memnon, an historian of Heraclea, reports, that Cotta was deprived of his dignity of senator; that the captives were set at liberty by the senate; and that the people, before whom the affair was brought, restored to the Heracleotæ their territory and port.

Plut. in
Luc.
App. Mi-
thrid. p.
227.
Memnon.

Lucullus, soon after his entering Pontus, took Sinope, where Mithridates was born, and had passed his infancy, and which, for these reasons, he had made the capital of his dominions. As the place was taken by assault, Lucullus could not, at first, hinder his soldiers from committing great disorders and slaughter; but, at length, he put a stop to their violence; and those of the inhabitants who had escaped, he treated with great clemency.

The only considerable place which remained to Mithridates in Pontus, was the city of Amisus, and this very soon surrendered. Lucullus passed the winter in Pontus, and, whilst he was there, received ambassadors from Machares, one of the sons of Mithridates, who

had made him king of Bosphorus. This prince, seeing his father abandoned by all his subjects, followed their example; and having before courted the friendship of Lucullus, during the siege of Sinope, sent him now a crown of gold. Lucullus, on his part, acknowledged Machares king, and the ally and friend of the Roman people.

The next year (684) nothing was talked of but the *Y. R. 684. mighty preparations of Tigranes, who, in conjunction with Mithridates, was soon to enter Lycaonia and Cilicia, and thence to go and attack the Romans even in the province of Asia.

Lucullus, despising such an enemy, disdained to keep upon the defensive; and leaving Sornatius, one of his lieutenants, with 6,000 men, to keep the country in awe, he, with only 12,000 foot, and 300 horse, marched away to attack Tigranes in the heart of his kingdom.

As the Armenian king was one of the most powerful sovereigns at that time in the world, the enterprise of the Roman general seemed rash to many. His soldiers followed him with reluctance; and at Rome, when his design was known there, some orators, instigated by his enemies, exclaimed that Lucullus made war upon war, not by necessity, nor for the service of the commonwealth, but to be always at the head of an army, and to enrich himself more and more, regardless of the dangers to which he exposed the state. Plut. in Luc.

Nevertheless Lucullus pursued his plan, crossed the kingdom of Ariobarzanes (a prince always in alliance with the Romans), and advanced to the Euphrates, which he passed without much difficulty, and encamped that day upon its banks. The following days he crossed Sophene, without hurting the country in the least; which gained him the affection of the inhabitants, so that they received the Roman troops with joy, and sup-

* Consulship of Q. Hortensius and Q. Cæcilius Metellus.

plied them with all the provisions they needed. He was extremely desirous to advance ; and his soldiers, having expressed some eagerness to attack a fort, which was said to be full of riches, “ There’s the fort we must take,” said Lucullus to them, pointing to Mount Taurus, which was very distant ; “ what we leave behind us will be the reward of our victory.” He continued his march, and having passed the Tigris, drew near to Tigranocerta.

That Lucullus should thus penetrate to the very centre of the enemy’s country, without opposition, cannot but seem wonderful. The senseless and almost incredible pride of Tigranes was the cause of it. The first man who brought the news of Lucullus’s approach had his head cut off, in reward of his service. After this example, we may naturally suppose, that nobody was in haste to bring advice of the motions of the Roman army ; and, while the king’s dominions were actually a prey to the enemy, his courtiers said to him, in flattery, that Lucullus would be a great general indeed, if he only ventured to stay at Ephesus, and did not immediately fly from Asia, when he should see what an innumerable multitude of soldiers he had to contend with. But, at length, Mithrobarzanes, one of those who had easiest access to him, ventured to tell him the truth, and inform him of the arrival of Lucullus. Tigranes, still besotted with the notions of his own grandeur, commissioned this courtier to go with 3,000 horse, and a strong body of foot, and bring him the Roman general alive, and put his army to the sword. The event was, that Mithrobarzanes, falling with fury upon an advanced part of the Roman army, when pitching their camp, lost his life in the action, and the troops were cut in pieces. Tigranes began then to open his eyes, and to see his danger ; and, finding himself obliged to abandon Tigranocerta, he retired towards Mount Taurus, in order to collect his forces from all parts of his dominions ; sending, at the same time, to Mithridates to come and join

him. Lucullus, by several detachments, did all he possibly could to hinder the assembling of Tigranes's troops, and to harass the king himself in his retreat. Muræna fell upon him in a pass, and so distressed him, that he was constrained to fly with precipitation, leaving his baggage a prey to his enemies. But as it was impossible for Lucullus to subsist his army long in an enemy's country without a victory, he, in order to draw Tigranes to a general battle, resolved to besiege Tigranocerta, his beloved city, his own work, and his glory, and which he had called after his own name. The king, somewhat humbled at first by the checks he had received, listened to the counsels of Mithridates, who, by letter, and by Taxiles, one of the best generals of the Armenian, advised him not to give battle to the Romans, troops invincible in action; but destroy them, by employing his numerous cavalry to cut off their provisions. But when Tigranes saw so great a number of soldiers, of different nations, assembled round him, Armenians and Gordyæniens, Medes and Adiabeniens, led by their kings; Arabians from the country between Babylon and the Persian gulf; Albanians and Iberians from the coasts of the Caspian sea; and even the free nations and Nomades (Tartars) from the neighbourhood of the Araxes, who, being subject to no prince, were allured by the presents and largesses of the Armenian king, this monarch returned to his former confidence: and in this confidence he was mightily upheld by the folly of all around him; whose discourses at banquets and councils were nothing but empty boastings and menaces. Intoxicated with pride and presumption, he thought the advice to avoid fighting, which Taxiles continued to give, had the appearance of treachery, and it had like to have cost that officer his head. And, as for Mithridates, the Armenian suspected him of giving the same counsel from envy. This suspicion made Tigranes in haste for a battle, lest the king of Pontus should come

and share with him the glory of defeating the Romans ; and having expressed his concern that he had only Lucullus to fight with, and not all the Roman generals together, he put his whole army in march.

His forces were, in reality, numerous enough to inspire so vain a prince with great confidence : for he had 20,000 archers and slingers, and 55,000 horse, 17,000 of which might be said to be cased up in iron, so covered they were with their impenetrable armour ; and his infantry amounted to 150,000 men, besides the pioneers and other labourers, to the amount of 35,000. When this prodigious multitude had passed Mount Taurus, and was near enough to be perceived from Tigranocerta, the besieged raised shouts of joy, and from the top of the walls menaced the Romans, by pointing to that cloud of avengers.

Plut. in
Luc. ,

Lucullus called a council to deliberate upon the measures proper to be taken. Some were for having him raise the siege, and march against Tigranes ; others advised him to continue the siege, and not leave behind him a place so important, and furnished with so strong a garrison. He answered, that he thought both opinions right, and accordingly, dividing his army left Muræna with 6,000 foot before Tigranocerta ; and taking with him the rest of his infantry, which hardly amounted to 10,000 men, all his cavalry, and about 1,000 slingers and archers, marched away to meet the enemy.

The small army of Lucullus appeared so contemptible in the eyes of the Armenian troops, that the first sight of it produced abundance of jests among them. Each of the kings, who then followed the standard of Tigranes, addressed him for leave to attack, with their own people only, that handful of Romans, against whom, they said, it was below the dignity of the king of kings to move in person. Even Tigranes himself condescended to pleasantry : “ If they are ambassadors, they are too

many, if soldiers, too few." And thus the day passed in raillery and bravadoes.

Lucullus, the next morning, put his troops in march, to pass a river which divided the two armies. The barbarians were on the east side of it; and as the best ford was in an angle, made by the winding of the stream westward on his left, the Romans, in moving to that ford, unavoidably turned their backs upon the enemy. Tigranes, who perceived that motion, began to triumph, calling to Taxiles, "See there! your invincible Romans are flying from us!" Taxiles replied, "I wish your good fortune may at this time produce what I always thought could never happen. But I see their arms glitter; and I know that, when they are upon a march, they cover them with cases of leather. When they have their shields and helmets uncovered, and shining, it is a sure indication that they are advancing against an enemy." He had hardly finished these words, when the foremost of the Roman eagles was seen suddenly to turn to the right, followed by the whole column, in order to pass the river. "How! (cried out Tigranes, in the greatest astonishment) those people are coming to us!" He repeated these words two or three times; and then drew up his army with much precipitation. Of the centre he took the conduct himself, gave the right to the king of the Medes, and the left to the king of the Adiabeniens; and, in the front of the right wing, he posted that heavy unwieldy cavalry, in which the barbarians placed their chief confidence.

Just as Lucullus was about to pass the river, somebody observed to him, that he was going to fight on an unlucky day. (It was the 6th of October, the day in which Cæpio had formerly been defeated by the Cimbri, and which from that time was marked as unfortunate* in the Roman calendar.) "Say you so? (said Lucullus) then I am going to make it a lucky day." Instantly he crossed the stream, and, advancing the foremost, held

* One of
the Dies
Atri.

out his sword drawn, to signify to his troops that they should endeavour at a close engagement with the enemy, whose missive weapons (their darts and arrows) would thereby be rendered almost useless in their hands. Directing his Thracian and Gallo-Greek horse to flank the enemy's heavy-armed cavalry (before mentioned) which were posted at the foot of a hill, he himself, at the head of two cohorts only, fetched a compass, and gained the top of that hill; where he no sooner arrived, than he cried out, "The victory, soldiers, is ours!" He ordered his men not to throw their javelins, but, keeping them in their hands, make use of them to wound the enemy in their legs and thighs, which were the only unarmed parts of their bodies. The iron troopers did not wait to be attacked: terrified with the approach of the two cohorts, they instantly fled, and in their fright threw themselves precipitately among their own infantry, causing there the like dismay and confusion; so that these too turned their backs, but could not easily fly, having been drawn up deep in file, and being now huddled into a vast unwieldy throng. The slaughter therefore was dreadful, and the more so, as Lucullus had forbid his men to lose time, by stopping to strip the dead. Treading over bracelets and gorgets enriched with precious stones, they pursued the barbarians very far; nor ceased the havoc, till the general, seeing his victory absolutely complete, ordered a retreat to be sounded. It is said, that on the side of the Armenians above 100,000 foot perished, and almost all the cavalry; and that, of the Romans, only five men were killed, and some hundreds wounded.

The Roman soldiers, returning by the same way they had come, now gathered up the rich spoils of the vanquished. Tigranes had galloped off at the beginning of the rout with a few attendants. Seeing his son among these, he took off his diadem, and, weeping, gave it into his hands, at the same time exhorting him to fly a dif-

ferent way: the young prince, not daring to put it on his head, delivered it to the care of one of his pages; and, this page being afterward taken prisoner, it thus happened, that the very diadem of the Armenian king became part of the spoils which fell into the hands of the victor.

The ancients, who have mentioned this overthrow of Tigranes's forces, have spoken of it with amazement.

"The sun (says one writer) never beheld such a day."

"The victors (says another) were themselves ashamed of having drawn their swords against such contemptible cowardly slaves."

Livy* tells us, that the Romans had never gained a victory, in which their number was so much inferior to that of the enemy, for the conquerors were not the twentieth part of the conquered.

* Apud
Plut. in
Lucull.

The military skill of Lucullus has been much admired (more perhaps than it deserved), in that he knew how to conquer by quite contrary methods of proceeding; a skill, which he had manifested in the wars he successively conducted against Mithridates and Tigranes.

The former of these kings he had totally defeated at Cyzicum and Cabiræ, by temporising and prudent delays: the latter, by activity and expedition; forcing him to battle, while the troops of his ally, the king of Pontus, were yet at a distance.

Mithridates had used no diligence to join his ally, having deceived himself (it is said) into a persuasion, that Lucullus would proceed against the Armenian with the same slowness, as formerly against himself, when before Cyzicum. Apprised of the defeat of Tigranes, by some of the fugitives from the battle, he sought him out carefully, and found him in a most piteous condition, dejected, terrified, quite destitute, a real object of compassion. Far from aggravating his distress, by returning the insults which he himself, in the like adversity, had formerly received from him, Mithridates wept with him, endeavoured to console him, revive his

courage, and inspire him with the hope of seeing better days; and at the same time (to do him honour as a king) gave him his own guard, and his own servants, to attend him.

Xiphilin ex
Dione.

The natural consequence of Lucullus's victory was the taking of Tigranocerta; which did not, however, surrender immediately. The governor found means to defend it for some time, distressing the besiegers chiefly by discharging upon them the naphtha, a kind of bitumen, which easily kindles, and which water itself can hardly extinguish. But it happened that an intestine war broke out in the city. The governor, distrusting the Greeks, and not without reason (they being all of opinion, that it would be best to open the gates to the Roman general), disarmed them. The latter, apprehending something worse, rose in a body, and having armed themselves with clubs instead of swords, and wrapped their coats about their left arms to serve them in the place of bucklers, boldly attacked the barbarians, who, though completely armed, were not able to withstand their fury. The victors, so soon as they had knocked any one down, seized his arms; and this, in a short time, put them in a condition to possess themselves of some of the towers that flanked the walls; which having done, they called to the Romans, and assisted them in entering.

Lucullus, master of the place, immediately seized and secured the royal treasures, and then gave it up to be plundered by his soldiers. They found in it, besides 1,550,000*l.* other riches, 8,000 talents in gold and silver money.* The general, out of the whole booty, gave to each soldier 25*l.* 16*s.* 8*d.* 800 drachms. Supplying the Greeks with what money was necessary for the expense of their journey, he sent them all back into their own country: and with the like generosity he treated those people whom Tigranes had

forced from their own countries, to settle at Tigranocerta; which now, on a sudden, from a great city, was reduced to a small village, and no longer made any figure in the country. But thus, by dispersing the inhabitants of a single city, Lucullus repeopled a great number; and these always loved and honoured him, not only as their benefactor, but even as their founder.

The amiable humanity of the Roman general became every day more conspicuous, and so effectually subdued the barbarians, as to make force unnecessary. Having Dio. l. 35. found several princesses in Tigranocerta, he treated them with all the regard due to their sex and rank; a conduct which naturally acquired him the warm friendship of their husbands, who were in the service of Tigranes. The Arabian kings came of themselves to him, to put all their interests into his hands. The nation of the Plut. Sophenians promised him obedience; and the Gordyenians (it is said) were for leaving their country and cities, to follow him with their wives and children. One cause of so warm an affection for him was this:

Appius Claudius, whom Lucullus had appointed his ambassador to Tigranes, made a considerable stay at Antioch, waiting the arrival of that prince, who was then employed in the siege of Ptolemais. Not wholly to lose his time, Appius contrived to open a negotiation with Zarbienus, king of the Gordyenians, who, he knew, impatiently bore the tyranny of Tigranes. The intrigue was discovered, and the king with his wife and children put to death, before the Romans entered Armenia. When Lucullus was become master of the country, he went to Gordyene, caused obsequies to be performed for the unfortunate Zarbienus, erected a funeral pile, adorned it magnificently, set fire to it himself, and in conjunction with the relations and friends of Zarbienus (whom he styled his companion, and the friend and ally of the Romans), made the customary libations: and, lastly, he raised a stately monument for him, applying

to that use part of the treasures found in his palace, which were very considerable. [He found also in the magazines of that prince above 300,000 medimni (or bushels) of corn.]

Plut. in
Luc.

App. Mi-
thrid. p.
230.
Memnon et
Dio.

Whilst Lucullus was yet in Gordyene, he received an embassy from Arsaces,^t king of Parthia, soliciting his friendship and alliance. The Roman received the proposal amicably, and, in return, sent ambassadors to the Parthian. These ministers soon discovered that Arsaces was fluctuating and uncertain, whether to espouse the cause of the Romans, or that of the two kings, who both were pressing him earnestly to join with them. The Armenian offered to make a cession to the Parthian of Mesopotamia, Adiabene, and that part of Armenia, which the Parthians had formerly taken from Tigranes, and which he had since reconquered. The letter which Mithridates wrote to Arsaces to engage him in the confederacy, is still extant among the fragments of Sallust. It contains an invective against the Romans, more copious and particular, indeed, but the same in substance with what one historian has put into the mouth of Jugurtha, against the same people, on occasion of that prince's alliance with king Bocchus.

Vid. supr.
76.

Lucullus, dissatisfied with the ambiguous answers of the Parthian, who seemed disposed to stand neuter, resolved to attack him in his dominions. To this he was animated by the thought, how glorious it would be for him, in the course of one war, to dethrone three kings, the most powerful of any in the universe.

He sent orders therefore to Sornatius, whom he had left in Pontus (as was before related), with 6,000 men, to come and join him with those troops in Gordyene, from whence he intended to invade the country of the Parthians.

Sornatius's soldiers had long been disposed to mutiny,

^t Arsaces was a name common to all the kings of Parthia of this race. The proper name of him who now reigned was Sinatrux.

and now they broke out into open disobedience. They declared peremptorily, that they would neither march to join Lucullus, nor yet continue in Pontus, but would return to Italy. This example of mutiny spread, like a contagion, to the camp of the proconsul; whose soldiers, grown rich and voluptuous, and desirous of repose, applauded the noble resolution of their fellow-soldiers of Pontus, and loudly declared themselves determined to follow their example. Lucullus, therefore, was necessitated to drop his design (for the present at least) of marching against the Parthians.

Tigranes, utterly^u confounded under the sense of the calamity he was fallen into by his late overthrow, remitted all things to the care and direction of Mithridates, as one better experienced in military affairs, and better acquainted with the Roman way of making war.

Before the beginning of the spring, Mithridates had *Y. R. 685. raised an army of Armenians amounting to 70,000 foot, which he caused to be disciplined after the Roman manner, and 35,000 horse. The two kings, however, did not take the field till the middle of summer, and even then they did not seek their enemies, but, every movement, were careful to encamp themselves in places where they could not be attacked; nor, when Lucullus had passed Mount Taurus in search of them, was he able, by any skill whatsoever, to draw them out, to hazard another general battle. Skirmishes there were, in which the Armenian cavalry, fighting as they fled, after the Parthian manner, and with barbed arrows, very much galled and distressed the Romans.

This manner of making war did by no means suit

^u Had Lucullus, immediately after his victory over Tigranes, pursued him, and not given him the opportunity of raising new forces, he must either have driven that prince out of the country, or have taken him prisoner, and thereby put an end to the war. His omitting to do this displeased the Romans, as well in the camp, as in the city at home, as if his neglect herein had been out of design to draw out the war for the continuing of himself the longer in command: and the discontent, which was hereby created, furnished the best reason for that resolution, which was taken hereupon, of sending him a successor, though it was not executed till two years after. Dio. Cass. l. 35. p. 1. See Prideaux, vol. 3. p. 414.

* Consulship of Q. Marcius Rex and L. Cæcilius Metellus.

with Lucullus's plan of operations : he must, at length, by such delays, have been starved out of the country ; which was indeed the aim of the two kings. To break their measures, therefore, and force them to a battle, he resolved upon an expedient, like that he had used the year before, to bring on a general action. Tigranes having left his wives and children at Artaxata, the old metropolis of Armenia, and there deposited the most and best of his effects and treasures, Lucullus put his army in march towards that city, concluding, that Tigranes would certainly follow him, to hinder his getting possession of it. The stratagem succeeded. Tigranes, upon the first advice of Lucullus's design to lay siege to Artaxata, marched away with his whole army, and with all expedition, in order to get between the Romans and the city. In four days' time he effected this purpose, and posted himself on the farther side of the river Arsanius, which the Romans were to pass in their way to Artaxata.

Lucullus, confident of victory, crossed the river without hesitation, and drew up his army for action. The fortune of the day was presently decided. The Armenians not able, neither horse nor foot, to sustain the sight of the Roman infantry, fled at their first approach. Of three^v kings, who had posted themselves in the front of the Armenian army, Mithridates was the first that turned his back, behaving himself this day most shamefully. The slaughter was not so great as in the former battle, but there fell more persons of distinction.

The Roman general, after this victory, would have continued his march to Artaxata, the taking of which would probably have put an end to the war ; but it lying at the distance of many days' march to the north, and winter coming on with snowy and tempestuous weather, his soldiers, already disgusted with the fatigues of the

^v Mithridates and Tigranes were two of those kings, and the third seems to have been a king of Media. Prideaux, b. 6. p. 415.

campaign, which had been very severe, refused, after a few days' march, to follow him any farther into those cold regions. At first, indeed, they behaved themselves with some degree of respect, sending their tribunes to make their remonstrances to him. But not obtaining any thing by this method, they assembled in companies tumultuously, during the night, and nothing was heard in the camp but confused and menacing voices. Lucullus, in the perplexity which this spirit of revolt threw him into, had recourse to expostulations and entreaties, conjuring his soldiers to have a little patience, only till they had completed the destruction of the Carthage of Armenia, so he called the city of Artaxata, which was said to have been built by Hannibal, when that illustrious fugitive, after the defeat of Antiochus, had retired^w to the court of Artaxias, the head of the house from which Tigranes was descended. It was all in vain; nothing could move them: marching back, therefore, to the southward, and repassing Mount Taurus, he entered into Mesopotamia, and sat down before Nisibis. Guras, the brother of Tigranes, was nominally commander in this place; but the person, who really performed the functions of that office, was the same Callimachus who had defended Amisus against the Romans, and, quitting it, had set it on fire. Lucullus, after investing Nisibis a few days only, took it by assault. Guras he treated with great humanity; but Callimachus, though he offered to discover hidden treasures, could obtain no favour. The victor caused him to be laid in irons, in order to his suffering the punishment due to him for burning Amisus; a crime which Lucullus could not forgive, because it had deprived him of the satisfaction of exercising his clemency and generosity towards

^w Plutarch, who mentions this tradition, does not speak of it as a certain truth; and Cornelius Nepos, in his account of Hannibal's misfortunes, says nothing of his going into Armenia. He tells us, that, after the victory gained by Scipio Asiaticus over Antiochus the Great, Hannibal went first into Crete, and then to the court of Prusias, king of Bithynia, where he killed himself.

one of the most considerable of the Greek colonies in Asia.

The Roman army, taking up their winter-quarters in this new conquest, passed the bad season much at their ease; for it was in a mild climate, and a fertile country.

*Y. R. 686. Hitherto it would seem (says Plutarch) as if fortune had taken a pleasure to wait upon Lucullus, and to fight for him; but from this period, as if he had quite lost her favour, he could effect nothing without difficulty and labour, and was continually running upon rocks and shelves. It is true, his virtue, his courage, his firmness of soul, suffered no alteration; but his actions had not the same lustre as before; and he was very near losing even the glory he had acquired by his past exploits; and what was worst of all (adds the historian) his adversities were entirely owing to his own misconduct.

Sallust. ap.
Plut. in
Luc,

He had taken no pains to gain the affections of his soldiers, and they had several causes of discontent. Two successive winters, in which they had undergone great fatigues, the first before Cyzicum, and the second before Amisus, had given birth to their complaints. And they had been obliged to pass the following winters, either making war in the enemy's country, or under tents in the countries of the allies: for Lucullus never quartered his troops in any of the Greek cities, or in the cities of the allies of Rome. This severe discipline, together with a certain reserve and haughtiness in his manner, alienated the hearts of the soldiers from him. And they were confirmed in this bad disposition by accounts from Rome, that the conduct of the general was there censured. Certain speech-makers, whom envy excited against Lucullus, publicly accused him of an immoderate desire of command, and an insatiable greediness of riches.

Dio. They told the people, that he had not pushed the war with vigour against either Mithridates or Tigranes; but had given these two kings time to retrieve their affairs,

Consulship of M. Acilius Glabrio and C. Calpurnius Piso.

in order to make himself appear necessary, and to furnish a pretext for his being continued, year after year, in a command of such vast extent, as to comprehend Cilicia, the province of Asia, Bithynia, Paphlagonia, Galatia, Pontus, Armenia, and Colchis, as far as the Phasis. Plut. in Luc.

Gabinius displayed to the eyes of the people a plan, painted upon a banner, of the magnificent palace which Lucullus was then building, to intimate, that he was making all that expense out of the spoils of the republic. In short, the discourses and artifices of his enemies had such an effect, as to engage the people to pass a decree, that the oldest of his troops, and especially Fimbria's legions, should have their discharge; that he should be succeeded in the command of Cilicia by Marcius Rex, consul of the last year; and by M. Acilius Glabrio, consul of the present year, in the command of Bithynia and Pontus, and of the war against the two kings. Cic. pro Sext. 43.

But what gave the final blow to the authority of Lucullus, was the discourses and intrigues of P. Clodius (so famous for his enmity to Cicero), a thoroughly wicked man, void of all sense of shame, debauched to such an excess, as to be suspected, not without foundation, of incest with all his sisters, one of whom was the wife of Lucullus. Clodius was, at this time, in the army of his brother-in-law, and greatly dissatisfied on account of Lucullus's preferring others, more worthy, before him. This man, from a spirit of revenge, stirred up the soldiers, and especially those who had served under Fimbria, to mutiny. Pretending great concern for their interest, he asked them, "Whether soldiers, who had grown old in arms, were never to see an end of their fatigues, but to pass their lives in attacking nation after nation, and running over the world; and this for no other end, but safely to convoy the carriages and camels of Lucullus, loaded with golden vessels glittering with gems?" He added, "The soldiers of Pom-

pey, who have forced none of the royal cities of Asia, nor have had other enemies to contend with, but some exiles in Spain, and slaves in Italy, live now in perfect repose with their wives and children, possessing good lands, and inhabiting fair cities. If we are still to suffer the fatigues of war, let us reserve what strength is left us, for a general who makes it his greatest glory to enrich the soldiers that have served well under his command."

It was during the winter, and while the Roman army was in quarters at Nisibis, that the spirit of mutiny, thus fostered, grew almost to perfect rebellion. The two kings, doubtless no strangers to the disaffection of the soldiers to their general, took advantage of it. Tigranes re-entered Armenia, and forced L. Fannius, who commanded there for the Romans, to shut himself up in a castle. Mithridates, with 4,000 of his own men, and an equal number of Armenians, returned into his kingdom of Pontus, and there he defeated Fabius Adrianus (one of Lucullus's lieutenants), whose army would have been entirely dispersed, or destroyed, if the king (who, though almost seventy years of age, exposed his person like a young warrior) had not received two wounds, which obliged him to quit the field. This event slackened the ardour of the victors, so that the vanquished had time and opportunity to gain the fort of Cabiræ.

Plut. in
Lucull.
App. Mi-
thrid.
Dio.

It was not long before the king, cured of his wounds, marched to besiege that fort: but being informed, that Triarius was advancing with all the troops he had been able hastily to assemble, he retired. Triarius pursued him as far as Comana, and even gained over him some small advantage; and with this the campaign ended.

Y. R. 686.

At the return of spring, Mithridates having, without question, recruited his army, led it against Triarius, whom he hoped to drive entirely out of the kingdom of Pontus, before Lucullus could come to his aid. Triarius

kept upon the defensive, and declined a battle. To force him to it, the king made preparations to attack a castle, in which was all the heavy baggage of the Roman army. This stratagem succeeded. The soldiers of Triarius, to preserve their baggage, obliged their commander to fight; who, it is said, was not backward thereto, having flattered himself with the prospect of the glory he should acquire, by conquering in the absence of his general. The two armies met three miles from Ziela, a city that became famous in the Roman story from this action. Triarius was totally routed; nor, perhaps, would any of his troops have escaped the sword of the enemy, if Mithridates had not been again wounded,* and thereby rendered unable to keep the field; which made his generals order a retreat to be sounded. This was the most bloody defeat the Romans had suffered during the whole course of their wars against Mithridates: 7,000 Romans remained dead upon the field of battle, amongst whom were four-and-twenty tribunes, and 120 centurions. Cicero, making his court to Pompey, at the expense of Lucullus, says, that, when this general received the news of Triarius's defeat, it was from public rumour, and not from any soldier who had escaped the slaughter. Cic. pro
Leg. Man
9.

The troops of Lucullus, though they had before refused to follow him, yet, through shame, consented to march, when they learnt that Triarius was in danger; but it was too late; he did not arrive in Pontus till after the disaster: he found the dead bodies lying upon the field of battle; and, by neglecting to bury them, he farther exasperated his soldiers against him. And as for Triarius, they would have torn him in pieces, if their general had not furnished him with means of saving himself by flight.

* The wound was in his thigh. The king had in his army many persons habited and armed after the Roman manner; which accounts for his not being upon his guard against a Roman centurion, who gave him the wound. The centurion was killed upon the spot.

Tigranes had recovered the greater part of his dominions, and, having assembled a considerable army, was marching to the assistance of his ally; and this made Mithridates industriously avoid, for the present, a battle with Lucullus. The Roman, not being able to force him to an engagement, resolved to lead his army against Tigranes, whose troops he hoped to defeat with ease, by attacking them unexpectedly, when fatigued with a long march: but this plan was disconcerted by the untractableness of his own men; who, though they had followed him some time, yet, when they saw that he meant to go into Cappadocia, declared peremptorily, they would not follow him thither. Lucullus went from tent to tent, and almost from man to man, taking them by the hand, and with tears intreating them to advance. There was no kind of submission to which he did not descend; but the evil had taken too deep root to admit of a remedy. They treated him with insolence and contempt. Shewing to him their empty purses,^y they said, that he, who alone grew rich by the war, ought to make war alone. What confirmed the Fimbrian legions in this insolence, was the arrival of the consul Glabrio, who had been appointed to succeed Lucullus. The consul was already in Bithynia, and had caused proclamation to be made in all the adjacent countries, that he prohibited all persons from obeying the orders of Lucullus, upon pain of confiscation of their estates, the Roman people having put an end to his command. In consequence of this proclamation, the soldiers of Fimbria considered Lucullus only as a private person: and all that the soldiers of the other legions, who still retained some respect for their general, could obtain from these mutineers, was, that they would continue with the army to the end of the summer; and even this was upon express condition, that if the enemy did not

^y This is related by Plutarch, who had, before related the considerable booty the soldiers got at the plundering of Tigranocerta.

appear during the interval they should be entirely at liberty to withdraw.

Lucullus, to avoid being totally abandoned, was under a necessity of accepting what they thought fit to grant, and consequently of suffering Tigranes to ravage Cappadocia, and bearing unrevenged the insults of Mithridates. He had wrote to the senate, that, having subdued those two kings, it was necessary ten commissioners should (according to custom) be sent to regulate with him the disposition of his new conquest. The commissioners arrived at this time, and found Lucullus so little master of the enemy's country, that he was not even master of his own troops. And this reduced him to say, that, as to any future measures relative to the war, he was entirely out of the question; that those were Glabrio's business, who had been named to succeed him. But Glabrio, who had expressed great ardour for the employment, while he believed he should have nothing to do, more than reaping the fruits of his predecessor's victories, kept aloof, when he found there were difficulties and dangers to be encountered.

The end of the summer, with which the service of the Fimbrian legions was to end, being come, they marched out of the camp, drew their swords, brandished them in the air, and with loud cries called upon the enemy; who not appearing, they pretended they had performed their engagements, and would now retire. Lucullus was under a necessity of dismissing them. He likewise sent part of the other troops to Glabrio, retaining with him only an inconsiderable number of soldiers, with whom it was impossible for him to undertake any thing farther.²

² Plutarch, upon this occasion, descants again on Lucullus's want of affability and condescension to his soldiers. "If with all the great qualities he possessed, courage, vigilance, activity, prudence, and the love of justice, he had likewise possessed that principal talent of a general, the skill of making himself loved by his soldiers, the empire of the Romans would not have had the Euphrates for its boundary, but the Caspian sea and the extremities of the east. For, by conquering Tigranes, they would have reaped the benefit of his conquests, and held in subjection to themselves all the nations which that prince had subdued. And as to the Parthians, they were

Plut. in
Pomp. et
in Lucull.

Pompey, who (as above mentioned) was already in Asia, when he learnt that the Manilian law had transferred to him Lucullus's command, lost no time in improving the opportunity, which this commission gave him, of mortifying his rival. Without delay, he caused edicts to be fixed up in all the cities, enjoining the Roman troops to repair to him: obedience was punctually paid to his edicts: and even Fimbria's legions, which, by a decree of the people, had obtained their dismissal, went voluntarily, and ranged themselves under the ensigns of Pompey; who left his rival not more than 1,600 soldiers to attend him in his triumph, and even these were unwilling to stay with him.

Pompey likewise summoned the principal magistrates of the Asiatic nations, and forbade them to pay any regard to the orders of Lucullus: and whereas this general, in concert with the ten commissioners, had made some decrees and regulations, Pompey cancelled them all, and wherever he went, suffered nothing to subsist, that had been instituted by his rival, whom he endeavoured, by all possible means, to render contemptible.

Lucullus complaining of his strange procedure, some of their common friends proposed a conference between the two generals. Accordingly they met in Galatia. The politest expressions of reciprocal esteem and respect, warm congratulations, high compliments upon each other's victories, were the introduction to mutual

not at this time so powerful as afterward, when Crassus attacked them. Rent in pieces by civil wars, and harassed by their neighbours, their strength was not equal to that of a king of Armenia."

The same historian is of opinion, that Lucullus's victories were eventually more hurtful to his country than beneficial; they being the cause of Crassus's unfortunate expedition against the Parthians. [As, according to Polybius, the safe retreat of the Greeks under Xenophon, through the whole country of their enemies, was the cause of Alexander's invasion of Persia.] "The conquests of Tigranocerta and Nisibis, the immense riches brought from those cities to Rome, and the diadem of Tigranes, borne in pomp in the triumph of Lucullus: these inflamed Crassus with the desire of carrying the Roman arms into the east: he imagined, that all the wealth of Parthia would be the sure prey, as well as ample reward, of whoever would take the trouble of going to seize it. But the arrows of the Parthians very soon undeceived him; and his deplorable defeat evinces, that Lucullus owed his victories, not to the unskilfulness and unmanliness of his enemies, but to his own undaunted courage and able conduct."

accusations (which immediately followed) in the most opprobrious terms. Lucullus reproached Pompey with his unjust, injurious, insatiable ambition: Pompey reproached Lucullus with his passion for money, and with the prodigious wealth he had amassed during the war. They parted more inflamed, than before, with anger against each other; and this anger was for ever breaking out in their daily discourse. Pompey affected to lower the value of Lucullus's exploits, by alleging, that he had fought with nothing but the empty shadows of armies, whereas he himself should have real soldiers to combat; an infantry, which Mithridates, grown wise by his misfortunes, had well disciplined, and had armed, not with gilded toys, but with swords and shields; and a cavalry, which the same prince had gradually learnt to make truly serviceable in war. On the other hand, Lucullus affirmed, that he had left his successor nothing to do against Mithridates or Tigranes; that the war was at an end: but that Pompey (like those cowardly birds which fall greedily to prey upon dead and mangled bodies, which they did not kill) was accustomed to come in at the close of a war, and fall furiously upon the scattered remains of armies defeated and routed by other commanders; and then ascribe to himself the sole merit of those victories. Thus it was he, this mighty man, not Catulus, Metellus, and Crassus, who conquered in the wars of Lepidus, Sertorius, and Spartacus. And how then was it possible, that he should not aspire to the fame of having terminated the wars of Pontus and Armenia, he, who was so nobly ambitious of a triumph over a gang of runaway slaves?

After Lucullus's return into Italy, violent and long-continued opposition was made to his demand of a triumph. What the event was we shall see hereafter.

CHAP. VIII.

The third Mithridatic war continued, under the conduct of Pompey, to the death of Mithridates in 690.

POMPEY'S good fortune attended him in the discharge of his new commission. Phraates, king of Parthia, and Tigranes, king of Armenia, the allies of Mithridates, and on whose aid, after his many losses, he chiefly depended for support, were fallen at variance. For the son of Tigranes, revolting against his father, had repaired to the court of Phraates, his father-in-law, with whom, having prevailed to espouse his quarrel, he returned into Armenia with an army of Parthians.

The elder Tigranes, therefore, had he been never so much inclined to assist the king of Pontus, was incapable of doing it; but, in truth, he had no such inclination, having entertained a suspicion that this good ally, grandfather of the rebel-prince, secretly encouraged him in his rebellion; so that Mithridates was left with only his own troops, which amounted to no more than 30,000 foot, and 3,000 horse, to withstand all the forces of the Romans. A battle he prudently and industriously avoided; but, to make the best use of the strength he had, employed it to shut up the entrances into his kingdom, and to starve his enemies, by cutting off their supplies of provisions, as often as possibly he could; and it was the easier to distress the Roman troops in this respect, as the adjacent countries all around them had been wasted and ruined by Lucullus.

Pompey, at the same time that he began his march against the king, dispatched Metrophanes to him, to sound his disposition, whether he might be brought to submit; that is, first to deliver up all the deserters, and then surrender himself at discretion. The monarch rejected the second article with indignation: the deserters, either conjecturing the truth, or being informed

of their concern in the negotiation, rose, and drew into their mutiny the national troops, who well knew the need they had of those strangers: but at length the king appeased the soldiery, by protesting, he would never deliver up those who had done him service, nor would ever make peace with the Romans; that he had never in reality entertained the thoughts of peace; and that the ambassadors he had sent to Pompey, were in truth only spies.

The Roman general not finding it practicable to dislodge the king from the strong posts he held, and apprehending a want of provisions, turned towards Armenia Minor, which, being destitute of troops, presented an easy conquest. Mithridates, to whom that province belonged, followed him thither, and encamped his army so advantageously upon a hill, that he could not be forced to a battle. Drawing his provisions commodiously from the countries behind him, he employed his cavalry to carry off the enemy's convoys; in which they often succeeded; so that, had he continued in that post, he might have greatly distressed his enemy; but he quitted it for want of water, not knowing that water was to be had there. Pompey seized the post immediately; and the verdure with which the hill was covered, indicating that there were springs in it, he caused wells to be dug. These were presently filled with water, so as abundantly to supply the whole army.

Plut. in
Pomp.

Not long after, Pompey, by his superior skill in war, contrived to surprise, and almost entirely destroy, the cavalry of Mithridates; a fatal blow to him, in that it gave the Romans a facility in getting provisions. As the king still persisted in declining a battle, Pompey undertook to shut him up in his camp by lines drawn round it. Five-and-forty days Mithridates continued in a manner besieged: at length, pressed by famine, he turned his thoughts to flight; and he made his dispositions so skilfully, as to deceive Pompey's vigilance.

Leaving fires lighted in his camp, he set out during the night. Pompey pursued him the next morning, but without being able to attack him; for he kept himself shut up in his camp the whole day, and renewed his march only when it was dark; and the Romans, being unacquainted with the country, were not forward to hazard a battle in the night.

However, when the king drew near to the Euphrates, Pompey made a secret and expeditious march, got before him, and posted himself in his way to hinder his passing that river, which would have brought him into the dominions of Tigranes. Mithridates knew nothing of this march of the Roman army; and his troops having set out as usual in the evening, less vigilant than before, because expecting to be very soon in a place of security, fell unawares, and in the dark, into the midst of their enemies. Pompey ordered all his trumpets to sound at once, and all his soldiers to give a shout; which so increased the terror and confusion of the barbarians, that they presently turned their backs, and fled: and it is said (though it seems not probable, if this conflict happened in the night), that above 10,000 of their number were slain, and that the prisoners were not much fewer. The king with 800 horse opened himself a way through the Romans; but this guard did not stay with him long, and he was reduced to continue his flight with only three companions. Among these was Hypsicratea, one of his concubines, whom he used to call Hypsocrates, on account of her masculine courage and strength. Habited and armed like a trooper, she rode by his side in all his battles, accompanied him in all his expeditions, and in all his flights; and, in this last, did him the office of a groom, as well as of a valet, taking care not only of his person, but of his horse.

Mithridates, having picked up in his flight about 3,000 foot, and some foreign cavalry, arrived at a fort called Synoria, on the frontiers of Armenia Minor. It

was one of the places in which he kept his treasures ; he took thence 6,000 talents, distributing the rich habits and other things of value among his friends : to each of whom he likewise gave a provision of poison, that they might be masters of their own fate, if they should be in danger of falling alive into the hands of the Romans. He had hoped to find an asylum with Tigranes ; but the Armenian, actuated by the suspicion above mentioned, or pretending so to be, not only seized the ambassadors whom Mithridates sent to ask his permission to enter his dominions, but set a price upon the king's head, promising 100 talents to any one who should bring it him.

Mithridates, thus abandoned by his ally, resolved to retire to the Cimmerian Bosphorus,* where his son Marchares reigned : he could go thither only by land, the enemy being masters of the sea : but though the march was long and difficult, the king, supported by his courage, pushed on beyond the springs of the Euphrates, passed the Phasis, and arrived at Dioscurias, situated on the Euxine sea in the western extremity of the isthmus, which divides that sea from the Caspian ; and there he took up his winter-quarters. Pompey had detached some horse and light troops in pursuit of him ; but, upon advice of his having passed the Phasis, relinquished all hope of overtaking him ; and applied himself to found a new city on the spot where he had gained the late victory, calling the place Nicopolis [the city of victory]. To people it, he left there such of his soldiers as, by wounds, sickness, or age, were disabled from farther serving. With these some families of the country joined, and in process of time the city became considerable.

* Crim Tary.
Vid. supr.
p. 310.

It was here that the son of Tigranes, the only remaining son of three whom he had by Cleopatra, the daughter of Mithridates, came to the Roman camp. The father had put to death the other two on light

occasions; whereupon young Tigranes, the third son, not thinking his life safe within the power of so cruel a father, fled to Phraates, king of Parthia, his father-in-law, who not only gave him a kind reception, but brought him back into Armenia with an army, and laid siege to Artaxata, the capital of the kingdom: for Tigranes had retired to the mountains. The city being well fortified and well defended, the siege was spun out to a great length; and Phraates, the necessity of his affairs recalling him into Parthia, returned thither with the better part of his forces. Tigranes seized the favourable opportunity, fell upon his son, vanquished him, and drove him out of the country. The prince's first thought, after this disaster, was to repair to his grandfather Mithridates; but meeting in the way the news of his defeat, and of the bad state of his affairs, he fled to the Roman camp, and threw himself as a suppliant at the feet of Pompey, who received him kindly, and was glad of his coming; for being then just going to enter Armenia, he wanted a guide well acquainted with the country, and he made use of young Tigranes for this purpose, marching under his guidance directly towards Artaxata. The Armenian king, terrified to excess, now turned his mind wholly to make his peace with the Romans; and, in his fright, the first step he took was delivering up those ambassadors, by whom Mithridates, when distressed, had asked his protection, to Pompey: the negotiation, however, for peace, was traversed and impeded by the young prince; and the Romans, still advancing, passed the Araxes. Reduced to extremity by his fears, Tigranes then opened the gates of Artaxata, and received a Roman garrison into it; and, having heard much of Pompey's clemency, and honourable dispositions, set forward, without any precaution taken, to resign himself and his kingdom to the pleasure and disposal of the Roman general. He laid aside his royal robe, but retained his crown, or tiara, that he might

command some respect, even while, as a suppliant king, he knew himself an object of compassion. When he arrived at the camp of the Romans (which was about sixteen miles from Artaxata), two lictors, at the entrance of it, signified to him that he must dismount; for that no stranger had ever been permitted to enter a Roman camp on horseback. Tigranes alighted, gave them his sword, took off his royal tiara as soon as he came into the presence of Pompey, and cast himself prostrate on the ground before him. Pompey, hereupon, leaped from his seat, ran to him, and kindly taking him by the hand, lifted him up, put his crown again upon his head, and placed him on a seat at his right hand, and his son on another at his left. The king said, "He should never have acted in the manner he had just then done, towards any other person of any other nation; but that there could be no dishonour in being vanquished by a general, whom no potentate on earth could ever hope to vanquish; nor in submitting to a man, whom fortune had exalted above all other mortals." To this flattering compliment Pompey answered, by assuring the dejected monarch, he should have no reason to complain of his fate; that he should not lose Armenia; and should gain the friendship of the Romans. After these words of consolation, he invited the king and his son that night to sup with him, appointing the next day for hearing their cause. Young Tigranes had not risen from his seat at his father's appearing, nor shewn the least mark of respect for him: he had flattered himself with the hope of being put into immediate possession of the crown of Armenia, and was, therefore, far from being pleased with what had just passed. Wholly possessed by his anger, he not only refused to go to the supper to which he was invited, but even intimated, in a kind of threat, that if Pompey did not give him satisfaction, he should find some other Roman who would be more effectually his friend.

The day following, Pompey, after holding a great council (to which he had called both father and son, that he might know their several pretensions), pronounced a decree, by which he ordained, that the elder Tigranes, yielding up to the Romans all his conquests on this side the Euphrates, and paying 6,000 talents, for having made war upon them without cause, should still reign in his paternal kingdom of Armenia Major; and his son in Gordyene and Sophene (two provinces bordering on Armenia), during his father's life-time, and succeed him in all the rest of his dominions after his death: but to the father was reserved out of Sophene the treasure he had there deposited, without which he would not have been able to pay the fine of 6,000 talents, imposed on him. The elder Tigranes joyfully accepted these terms, being glad even thus to be again admitted to reign; and he was so overjoyed to hear the Romans salute him king, that he promised to give every common soldier fifty drachms, each centurion 1,000, and each military tribune 10,000. But the son was highly displeased with the decree; and, pretending that the treasure in Sophene belonged to him, refused to permit his father to take it away. Pompey decided the dispute in favour of the father: the son, enraged more than ever at this decision, meditated an escape; but this design was discovered, and a guard was placed upon him; and, being afterward detected in soliciting the nobles of Armenia, and also the Parthians, to renew the war, Pompey put him among those whom he reserved for his triumph. Tigranes, the father, as soon as he had received his treasure out of Sophene, paid the 6,000 talents, and was thereupon declared a friend and ally of the Roman people. The king likewise now performed his promise to the soldiers.

Vel. Pat.

Plut. et
Dio.

Phraates solicited ineffectually for the release of his son-in-law, young Tigranes. Pompey answered the ambassadors of the Parthian, "That a father had more

right over his son than a father-in-law." And whereas the Parthian had proposed, that the Euphrates should be the boundary of the two empires, Pompey, without entering into any discussion, declared that he knew no boundaries but those of right and justice.

Ariobarzanes, king of Cappadocia, ever faithful to the Romans, to whom he owed his elevation to the throne, had been the sport of their enemies, had been expelled, restored, and expelled again, now by Mithridates, then by Tigranes. The flight of the king of Pontus, the ruin of his affairs, and the peace granted by the Romans to the king of Armenia, confirmed the Cappadocian in the possession of his dominion: and Pompey, in recompense of his fidelity, gave to him Sophene, which he had once allotted to the prince of Armenia.

After these regulations, Pompey marched northward in pursuit of Mithridates. Coming to the river Cyrus, he was opposed by the Albanians, and the Iberians, two potent nations inhabiting the isthmus, between the Caspian and the Euxine seas, and confederates of the king of Pontus; but having overthrown them in battle, he forced the Albanians to sue for peace, and then wintered in their country.

L. AURELIUS COTTA,
L. MANLIUS TORQUATUS, } Consuls.

Year of
R O M E
688.
B. C. 64.

Early the next year he marched against the Iberians, who were a very warlike nation, and had never submitted to either Medians, Persians, or Macedonians, during all the time that these, successively, held the empire of Asia. But though Pompey found some difficulties in this war, he soon surmounted them, and forced the Iberians to terms of peace; their king Artoces, for hostages, giving his sons.

After this, he reduced the people of Colchis to a submission, having taken Olthaces, their king, prisoner (whom he afterward caused to be led before him in

Liv. Epit.
Plut. et
Dio.

379th con-
sulship.
Plut. et
Dio.

Year of
R O M E
688.
B. C. 64.

379th con-
sulship.

Plut. et
Dio.

App. in
Mithrid.
Joseph.
Antiq. l. 14.
c. 4.
Dio. Cass.

triumph); and then marched back against the Albanians, who, while he was engaged with the Iberians and Colchians, had renewed the war. He overthrew them in battle with great slaughter, killing, with his own hand, their general Cosis, the brother of their king Orodes [or Oræses], and thereby forced the king to purchase the renewal of the last year's peace by rich presents, and also to send his sons to him for hostages.

Having finished this war in the north, he led back his army into the southern parts; for Mithridates being arrived in the kingdom of Bosporus, on the other side of the Euxine sea, there was no pursuing of him thither, but round that sea a great way about, through many barbarous Scythian nations, and several deserts; which was not to be attempted by the Roman army, without manifest danger of a total miscarriage. [All that Pompey could do, was to order his fleet, commanded by Servilius, one of his lieutenants, to be so stationed, as to hinder supplies of provisions, and other necessaries, from being carried to the king.] In crossing the kingdom of Pontus, in his way to Syria, he arrived at the place where Triarius had been defeated by Mithridates; and, finding the dead bodies of the Romans still lying unburied upon the field of battle, he caused them to be interred in honourable manner; which much pleased his army, and made the fault of Lucullus, who had neglected that duty, appear in a stronger light. After this, continuing his march, he subdued Darius, king of Media, and Antiochus, king of Commagene; and having, by Scaurus, reduced Coele-Syria and Damascus, and, by Gabinius, the rest of those parts as far as the Tigris, he was become master of all the Syrian empire. Antiochus Asiaticus (the son of Antiochus Eusebes), the remaining heir of the Seleucian family, who, by the permission of Lucullus, had now reigned four years in some part of Syria, after Tigranes had been forced to withdraw his forces from it, applied himself to the Roman general,

requesting to be re-established in the kingdom of his ancestors. But Pompey answered, "That the Romans had found Tigranes in possession of that country, and had conquered it from him, and were not to yield the fruits of their victory to another."^a And accordingly he reduced Syria into the form of a Roman province. Antiochus being thus deprived of his crown, here ended the empire of the Seleucidæ in Asia, after it had lasted 258 years.

Year of
R O M E
688.
B. C. 64.

379th con-
sulship.

Justin. l.
40. c. 2.

What made Pompey so fond of this march into Syria, was a vain and ambitious desire of extending his conquests to the Red sea. He had formerly, while he commanded first in Africa, and afterward in Spain, pushed his conquests on both sides of the Mediterranean to the western ocean, and had lately, in his Albanian war, led his forces as far as the Caspian sea; and, if he could also lead them to the Red sea, he thought it would complete his glory.

Plut. in
Pomp.

While these things were doing by the Romans, there happened great disturbances and revolutions in Judea: they had their original from the ambition and aspiring spirit of Antipater (the father of Herod). He, having had his education in the court of Alexander Jannæus and his queen Alexandra, who reigned after him, insinuated himself into the good graces of Hyrcanus, the eldest of their sons, hoping to rise by his favour, when he should come to the crown after his mother: but when Hyrcanus was deposed, and Aristobulus made king, from whom he had no prospect of favour, he set himself, with all the art he was master of (and that was not a little), to restore Hyrcanus to his crown: in order whereto he treated with Aretas, king of Arabia Petræa, and engaged him to assist Hyrcanus with an army: and he had, by his intrigues, drawn great numbers of the

Joseph.
Antiq. l.
14. c. 2.

^a Another reason assigned for this conduct of Pompey was, that Antiochus being a weak prince, of no courage, or capacity, to protect the country, the putting it into his hands would be to betray it to the ravages and depredations of the Jews and Arabs.

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379th con-
sulship.

Joseph.
Antiq. l.
14. c. 3.

Jews into the same design. The greatest difficulty was to excite Hyrcanus himself to the undertaking; for he, being a quiet, indolent man, who loved ease more than any thing else, had no inclination to stir a foot for obtaining a kingdom. But, at length, being made to believe, that his life was in danger, and that he must either reign or die, if he stayed in Judea, this argument roused him to fly for safety, and to put himself into the hands of Aretas. This prince, according to his agreement with Antipater, brought Hyrcanus back into Judea, with an army of 50,000 men; and having there joined the Jews of Hyrcanus's party, gave battle to Aristobulus, gained an absolute victory over him, pursued him to Jerusalem, entered the city without opposition, drove the vanquished prince to take refuge in the mountain of the temple, and there besieged him. All the priests adhered to Aristobulus, but the generality of the people declared for Hyrcanus.^b

C. 4.

Scaurus being by this time come to Damascus with a Roman army, Aristobulus sent thither to him, and by the promise of 400 talents, engaged him on his side. Hyrcanus offered him the like sum; but Scaurus, looking upon Aristobulus as the more solvent of the two, chose to embrace his cause; and Gabinius, by a present of 300 talents from the same quarter, was induced to do the same. And, accordingly, both the Roman generals sent to Aretas to retire, threatening him with the

^b This happened in the time of their passover, on which occasion Aristobulus, wanting lambs and beasts for the sacrifices of that holy solemnity, agreed with the Jews, that were among the besiegers, to furnish him with them, for a sum specified. But when they had received the money, which was let down to them over the wall, they refused to deliver the sacrifices. Nor was this the only base action they were guilty of at this time. For there being then at Jerusalem one Onias, a man of great reputation for the sanctity of his life, who was thought to have obtained, by his prayers, rain from heaven, in a time of drought, they brought him forth into the army; and, concluding that his curse would be as prevalent as his prayers, pressed him to curse Aristobulus, and all that were with him. He long refused to hearken to them; but, at length, finding no rest from their importunities, he lifted up his hands towards heaven, as he stood in the midst of the soldiers, and prayed thus, "O Lord God, rector of the universe, since those that are with us are thy people, and they that are besieged in the temple are thy priests, I pray thee not to hear the prayers of either of them against the other." The besiegers were so enraged against the good man for this, that they stoned him to death.

Roman arms in case of refusal. Aretas raised the siege, and marched off towards his own country; whereupon Aristobulus, having got together all the forces he could, pursued after him, overtook him, and, with a great slaughter, defeated him in a battle, wherein perished many of the Jews of Hyrcanus's party.

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About this time, Pompey himself came to Damascus, whither resorted to him ambassadors from all the neighbouring countries, especially from Egypt and Judea. The ambassadors from Egypt presented him with a crown of gold, of the value of 4,000 pieces of gold money, and those from Judea with a vine of gold, of the value of 400 talents, which was afterward deposited in the temple of Jupiter, in the Capitol at Rome, and there inscribed as the gift of Alexander, king of the Jews. [It seems the Romans would not own Aristobulus to be king, and, for that reason, put his father's name upon it instead of his]. While Pompey was in these parts, there came, to make their court to him, twelve kings, who were all seen, at the same time, attending upon him.

Joseph.
Antiq. l.
14. c. 5.

Plut. in
Pomp.

As many strong places in Pontus and Cappadocia still held out for Mithridates, Pompey found it necessary to march again thither to reduce them; which having, soon after his arrival, in a great measure, accomplished, he took up his winter-quarters at Aspis, in Pontus. Of the places which he reduced, one,^c called *Kαὶνή*, *i. e.* New-castle, was the strongest; there Mithridates had laid a great part of his treasure, and the best of his other effects, as reckoning the place impregnable. Here Pompey found the private memoirs of the king, which discovered many of his transactions and secret designs.

Strabo. l.
12. 7.

^c Among other things here found were Mithridates's medicinal commentaries, which Pompey caused to be translated into Latin by Lenæus, one of his freedmen, a learned grammarian. For among many other extraordinary endowments, with which this prince had accomplished himself, he was eminently skilled in the art of physic, and is esteemed the author of that excellent alexipharmical medicine, which, from his name, is now called Mithridate, which has ever since been in great use among the physicians. Plin. l. 25. c. 2.

Pompey having, while he lay at Aspis, settled the affairs of the adjacent countries, as well as their circumstances would then admit, as soon as the spring began, returned again into Syria, to do the same in that country.

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L. JULIUS CÆSAR, }
C. MARCIUS FIGULUS, } Consuls.

380th con-
sulship.

Jos. Ant.
Plut. et
Dio.

On his arrival there, he made Antioch and Seleucia, on the Orontes, free cities, and then continued his march to Damascus, intending from thence to make war upon the Arabians, in order to carry on his victories to the Red sea. But in his way to Damascus he made many stops, to examine into the conduct of the princes of those parts, and to hear the complaints that were made against them. For in the declension of the Syrian empire, many petty princes had raised themselves upon its ruins in several districts of it, and there exercised tyranny over the people, and depredations on their neighbours. These Pompey, as he passed through the country, summoned to him, and, on hearing their causes, confirmed some of them in their toparchies, under the condition of becoming tributaries to the Romans; others he deprived; and some he condemned to death for their male-administration. But Ptolemy, the son of Menæus, prince of Chalcis, who was the wickedest of them all, having made himself very rich by oppressing his people, and plundering his neighbours, presented Pompey with 1,000 talents, and thereby redeeming not only his life, but his principality, continued in the enjoyment of both a great number of years.

Joseph.
Antiq. l.
14. c. 5.

On Pompey's coming into Cœle-Syria, Antipater, from Hyrcanus, and one Nicodemus, from Aristobulus, addressed themselves to him concerning the controversy that was between these two brothers, each of the delegates requesting his patronage to that brother by whom he was sent. Pompey, having heard what they had to say, dismissed them with fair words, ordering, that both brothers should appear in person before him; and pro-

mising, that he would then take full cognizance of the whole cause, and determine it as justice should direct. At this audience Nicodemus did much hurt to his master, by complaining of the 400 talents, which Scaurus, and the 300, which Gabinius had extorted from him; for this made both those generals his enemies: and Pompey was afterward much influenced by them in his determination of the dispute. But Pompey, being then intent upon making preparations for his Arabian war, could not immediately find leisure for this matter; and, soon after, an event happened, which forced him to lay aside, for the present, whatever he had to do in Syria, and march again into Pontus. It was as follows:—

Before Pompey left Syria in the former year (688), there came ambassadors to him from Mithridates, out of Bosporus, with proposals of peace. They offered on the king's part, in case he might be allowed to hold his paternal kingdom (as Tigranes had been), to pay tribute for it to the Romans, and quit to them all his other dominions. To this Pompey answered, "That the king should have come to him in person, in the same manner as Tigranes had done." The negotiation had no effect; for Mithridates could not entertain the thought of surrendering himself: he offered to send his sons, and some of his principal friends; but this offer was rejected: whereupon he made new preparations for war with as great vigour as at any time before: he levied exorbitant sums upon the people, who, having been lately terrified, and almost destroyed by a dreadful earthquake, changed that respect and zeal which they had hitherto retained for their sovereign, even in his worst fortune, into indignation and hatred, when they felt themselves thus oppressed by him: for the violences and vexations committed by the officers appointed to collect the taxes were insupportable; and he, falling sick at this time, could not remedy the evil. He was shut up in his palace with three eunuchs, who attended

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App. in
Mith.

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sulship.

Plut. in
Pomp.

Strabo. l.
12.

him, and were the only persons admitted to see him. But, notwithstanding his confinement, the levies went on, and sixty cohorts, of 600 chosen men each, were raised, besides a great multitude of other soldiers, in whom he had less confidence. Pompey, having notice of these preparations for war, found it necessary to hasten back again into Pontus to watch the king's proceedings. On his arrival, he fixed his residence for some time at Amisus, and, while he continued in that place, was guilty of the very folly which he had before censured in Lucullus. For he there settled the dominions of Mithridates into provinces, and bestowed the rewards, as if the war had been ended: whereas Mithridates was still alive, and with a great army, and was meditating an invasion on the very heart of the Roman dominions. Pompey, in distributing his rewards, gave the lesser Armenia, with several other territories and cities adjoining, to Dejotarus,^d one of the princes of the Galatians, to recompense him for his adhering to the Roman interest during all this war, and honoured him with the title of king of those countries, whereas before he was only a tetrarch.

Dio. Cass.
Plut. in
Pomp.

While the Roman forces were in Pontus, Aretas, the Arabian king, took the advantage of their absence to make incursions and depredations in several parts of Syria. This called Pompey back again into that country.

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MARCUS TULLIUS CICERO, } Consuls.
CAIUS ANTONIUS, }

381st con-
sulship.

Joseph. de
Bell. Judaic.
Antiq. et
de Bell.
Judaic.

On his arrival at Damascus, the cause of Hyrcanus and Aristobulus was brought to a hearing before him. They both appeared in person, as he had ordered; and, at the same time, several of the Jews appeared there against both: these last requested, in behalf of them-

^d This is the same king Dejotarus, in whose behalf Cicero afterward made one of his orations, which was spoken before Julius Cæsar. Galatia was formerly governed by four tetrarchs, of which Dejotarus was now one. To his tetrarchy Pompey added the grants above mentioned, without dispossessing the other tetrarchs. But Dejotarus had acquired all Galatia at the time when Cicero pleaded for him. Strabo, l. 12. p. 567.

selves, “That they might not be governed by a king.” They pleaded, “That it had been formerly the use of their nation to be governed by the high-priest of the God they worshipped, who, without assuming any other title, administered justice to them, according to the laws and constitutions transmitted from their forefathers: that it was true indeed, the two contending brothers were of the sacerdotal race, but had introduced a new form of government, that they might thereby subject the people to slavery.”

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sulship.

Hyrcanus, on his part, urged, “That, being the elder brother, he was unjustly deprived of his birth-right by Aristobulus, who, having left him only a small portion of land for his subsistence, had usurped all the rest from him; and, like a man born for mischief, practised piracy at sea, and rapine and depredations at land, upon his neighbours.” And for the attesting of what Hyrcanus had alleged, there appeared about 1,000 of the principal Jews, whom Antipater had procured to come thither for that purpose.

To this Aristobulus answered, “That not his ambition had excluded Hyrcanus from the government, but his own incapacity to manage it, being an inactive, slothful man, utterly unfit for the business of the public, and fallen into the contempt of the people: (he added) I was therefore forced to interpose, in order to preserve the government from falling into the hands of strangers; and I bear no other title in the state, than what Alexander my father had before me.” And, for witnesses of this, he produced several young men of the country in gaudy and splendid apparel, who did not, by their dress, or by their behaviour, bring any credit to the cause, in support of which they appeared. Pompey, on this hearing, saw far enough into the matter to make him disapprove of the violence done to Hyrcanus, but would not immediately determine the controversy, lest Aristobulus, being provoked thereby, should obstruct

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Plut. et
Dio.
App. in
Mithrid.

Joseph.
Antiq. et
de Bell.
Jud.

Plut. in
Pomp.
App. in
Mithrid.

him in his Arabian war ; an enterprise which he had then much at heart. Giving, therefore, fair words to both brothers, he dismissed them for the present, promising, that, after he had reduced Aretas, and his Arabians, he would come in person into Judea, and there settle and compose all matters. Aristobulus, perceiving how the Roman general was inclined, went from Damascus without taking leave ; which very much angered Pompey.

In the meantime, Aretas, though he had hitherto contemned the Roman arms, yet, when he found the Romans near him, and ready to invade him with their victorious army, sent ambassadors to make his submission. Pompey, nevertheless, marched to Petra, the metropolis of Aretas's kingdom, and having taken the place, and the king in it, put him into custody ; but released him afterward on his submitting to the terms required, and then returned to Damascus.

Being there informed of the warlike preparations, which Aristobulus was making in Judea, he marched into that country, and found him in his castle at Alexandrion, which was a strong fortress, situated in the entrance of the country on a high mountain. Pompey sent him a message to come down to him ; which he was very unwilling to do ; but at length, by the persuasions of those about him, who dreaded a Roman war, he was prevailed with to comply : and, after some discourse with Pompey about the controversy depending, he returned again into his castle : and this he did two or three times, hoping by these compliances to gain Pompey to his side ; but at the same time he was fortifying his castles, and making preparations for his defence, in case the sentence should go against him ; of which proceeding Pompey being informed, forced him, on his next coming down, to make a cession of all his castles, and to sign orders to those that commanded in them, to deliver them up to the Romans. Aristobulus grievously resented the putting this force upon him, and therefore,

as soon as he got free, fled to Jerusalem, and there prepared for war. Pompey, not to give him time for assembling his forces, marched after him. The first place where the Romans pitched their camp was in the plains of Jericho; and here they received the news of the death of Mithridates. It was brought to Pompey by special messengers sent from Pontus. The messengers having their spears wreathed about with laurel, which was always a token of some victory, or other important advantage gained to the state, the army were eager to know what had happened; and whereas there was no tribunal yet erected for the general (the camp being just pitched), and it would require some time to erect one of turf (as was the custom), they heaped up their packsaddles one upon another, and thereby made an eminence: Pompey ascended it, and from thence communicated to them, that Mithridates had laid violent hands upon himself, and was dead; that his son Pharnaces, having seized his kingdom, submitted both that and himself to the Roman state; and that from him came the letters bringing this account: so that the war, which had caused them so many fatigues, was now at an end. The army immediately expressed their joys by shouts, and nothing was to be seen the whole day, but festivity and sacrifices of thanksgiving.

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Joseph.
Antiq. et
de Bell.
Jud.
Plut. in
Pomp.

The sequel of Mithridates's story, after his arrival at Dioscurias, on the eastern coast of the Euxine, is as follows:

Vid. supr.
p. 351.

Having there wintered, he set out early in the spring for the kingdom of Bosphorus, which had been a province* of his empire, and where he had placed one of his sons, called Machares, to govern it with the title of king. But the young king having been hard pressed upon by the Romans, while they lay at the siege of Sinope, and

App.
Mithrid.

Vid. supr.
p. 326.

* The Bosphorani were those people who inhabited the northern coast of the Euxine sea; which coast (or at least the western part of it) seems to have been subject to Mithridates, as well as the country called (in this part of the Roman story) the Cimmerian Bosphorus, which is also the name of the strait, which divides the Chersonesus from Asia.

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Liv. Epit.
l. 98.

App.
Mithrid.

were masters of the Euxine sea by means of their fleet, he made peace with them, and had ever since maintained the terms of it. This having much angered the father, the son dreaded his approach; and therefore, while he was on the way, sent ambassadors to pacify him, urging in excuse of his conduct, that what he had done was by the necessity of his affairs, and not by choice. Finding that his father was implacable, he endeavoured to make his escape by sea; in which attempt not succeeding, he killed himself, to avoid falling into his father's hands.

It has been mentioned, that, from the kingdom of Bosphorus, Mithridates sent ambassadors unsuccessfully to treat with Pompey, then in Syria; and that, losing all hopes of obtaining peace from the Romans, upon any tolerable terms, he made all the preparations he could for war.

Vid. supr.
p. 361.

As soon as he was capable (after his sickness formerly mentioned) of acting and managing his affairs in person, he sent troops to Phanagoria, on the east side of the strait, that he might be absolute master of the channel, of which he was already master on the west side, by means of Panticapeum. Castor, a man of obscure birth, who was governor of Phanagoria, had formerly been affronted by the eunuch Tryphon; and now, seeing this eunuch arrive with the king's troops, killed him, made the inhabitants take arms, and exhorted them to resume their liberty. The whole city rose. The citadel, in which were several of Mithridates's children, and, among the rest, Artaphernes, above forty years old, made some resistance; but the people heaping up wood round about it, in order to set it on fire, the prince's courage failed, and he surrendered himself prisoner, with three of his brothers, Darius, Xerxes, and Oxathres, and one sister, called Eupatra, all four under age. Cleopatra, another daughter of Mithridates, held out against the rebels, notwithstanding her being thus deserted by her brother: and gave her father time to send ships to

carry her off to Panticapeum. Castor delivered up his prisoners to the Romans.

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The example of Phanagoria was followed by several of the neighbouring towns; so that Mithridates, seeing treasons multiply around him, turned his thoughts to purchase the friendship of the Scythian kings, by giving them some of his daughters in marriage, with rich presents: but the soldiers, who were appointed to escort the princesses, delivered them into the hands of the Romans, having first killed the eunuchs who had the care of them. All these disappointments determined him to make a desperate expedition through the way of Pannonia, and the Trentine Alps, into Italy itself, and there attack the Romans, as Hannibal had done, at their own doors. In order hereto, he collected numerous forces out of the Scythian nations, for augmenting his former army, and sent agents to engage the Gauls to join with him. There were abundance of Gauls settled upon the Danube, and the rivers that fall into it, and he had for a long time kept up a good correspondence with these; so that he expected not only to meet with no opposition from them, but to have them for his allies and auxiliaries.

381st consulship.

Plut. in
Pomp.
Dio. l. 37.
App.
Mithrid.

But this enterprise containing a march of above 2,000 miles, through all those countries which are now called Tartaria Crimæa, Podolia, Moldavia, Wallachia, Transylvania, Hungaria, Stiria, Carinthia, Tyrol, and Lombardy, and over three great rivers, the Borysthenes, the Danube, and the Po; the very thought of it so terrified the army, that, to avoid it, they conspired against him, and made his son Pharnaces their king. Mithridates had always distinguished this son as his favourite, and intended him for his successor. But the prince, who was desirous to preserve at least the wreck of his father's fortune, and foresaw, that the project of marching into Italy, if only begun to be put into execution, would probably occasion the loss of all, by rendering the Ro-

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sulship.

mans irreconcilable to the family of Mithridates, put himself at the head of the conspirators.^f

The king, informed of what was in agitation, sent some of his guards to seize the prince; but he gained over these soldiers to join him in the conspiracy: into which, by remonstrances and promises, he easily brought likewise the Roman deserters, who were encamped without the walls of Panticapeum. The prince found no greater difficulty in gaining the soldiers of the other camps; and at the head of this multitude of rebels he presented himself before the place at day-break.

The city soon followed the example of the camps. Some officers, whom the king had sent to inquire the cause of the shouts he heard, having gone over with their soldiers to Pharnaces, the inhabitants presently opened the gates to the prince: so that the king was reduced to shut himself up in the citadel. From thence he sent to ask the mutineers what their demands were: they answered with extreme insolence, “We demand that Pharnaces should be our king. We want a young king, not an old one, governed by eunuchs, and who makes known his power only by cruelties to his generals, his friends, and even his children.”

Mithridates came out, in order to speak in person to them; but the soldiers who attended him, thinking it would be best for themselves to follow the stream, offered their services to the rebels. The Roman deserters, proud of their number and strength, and ever at the head of the rebel-crew, made answer to this offer of the soldiers, “That it would not be accepted, unless they

^f Fear might perhaps concur with ambition in prompting the prince to rebel. The death of his brother Xiphares might make him think his own life very precarious.

Prideaux.

Mithridates, in the decline of his affairs, had placed Stratonice, the mother of Xiphares, in a strong castle (called Symphorium) in Pontus. She, finding herself like to be deserted, delivered the place to Pompey, upon his promise of safety for herself, and likewise for her son, in case he should happen to fall into the hands of the Romans: and Pompey continued her in possession of that castle and of most of the effects in it. Xiphares was at this time in Pontus with his father, who, to be revenged on the mother, carried this son to the side of the strait, on the opposite side to which the castle stood, and there slew him within her view, and left the dead body unburied on the strand.

first gave some signal proof of their zeal." And, at the same time, they pointed to Mithridates. In so great extremity, the king had no choice but to return into the fort, which he did not effect without great difficulty, having had his horse killed under him. At the same instant, the whole multitude of the revolted proclaimed Pharnaces king; and, for want of a diadem, they bound about his head a broad fillet of Egyptian paper, which somebody had taken out of a neighbouring temple.

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sulship.
Prideaux.

Mithridates, who, from a tower, saw all that passed, sent many times to ask his life of his son, with permission to retire. But as none of his messengers returned, and he found he must die, he made this prayer: "O ye gods, the avengers of fathers, if it be true that you exist, and if there be justice in heaven, grant that Pharnaces may, one day, hear his sentence of death pronounced by his children." He then called some of his officers and guards, who had hitherto continued faithful to him, and, having praised their generosity, ordered them to repair to the new king; after which he retired into his apartment, distributed poison to his wives, concubines, and daughters,^s and took a dose of it himself: this not operating upon him, he had recourse to his sword; but failing to give himself such a wound as was sufficient to do the business, he called to him a Gallic officer (who, at the head of some of the rebels, had forced the walls of the castle), "Brave soldier, you did me great services at the time you fought under me: you will do me a greater now than ever, if you will save me from the shame of falling alive into the hands of the Romans, and being led by them in triumph." The Gaul complied with his desire.

Oros. 6. 5.

Dio. App.

^s Two of his daughters, Mithridatis and Nyssa, who were to be married to the two Ptolemys, the one king of Egypt, and the other king of Cyprus, desired to have the consolation of dying before their father: they made haste therefore to drink the poison, and expired in a very short time.

The number of this prince's sons and daughters, by his wives and concubines, was very considerable. Many of his sons he slew in his displeasure; and many of his daughters he poisoned, when he could not carry them off in his flights. Nevertheless, five of his sons and two of his daughters were carried by Pompey to Rome, and there led before him in his triumph.

Prideaux.

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sulship.

Cic. in Luc.
Vell. l. 2.
18.

Such was the end of Mithridates;^h whom Cicero styles the greatest of kings after Alexander. He was (says Velleius) a very great prince, sometimes by his fortune, always by his magnanimity; a general in council and design, a soldier in execution, and, for hatred to Rome, another Hannibal. It is agreed, that he was a very extraordinary person, both for the greatnessⁱ of his spirit and the endowments of his mind: and that he was learned in all the learning of those times; and it is af-

^h The continuance of Mithridates's war with the Romans, according to Justin, was forty-six years; according to Appian, forty-two; according to Florus and Eutropius, forty: and according to Pliny, thirty; but, according to the exact truth of the matter, though we reckon the beginning of the war from Mithridates's seizing Cappadocia (which was the first occasion of it), its duration to his death will be no more than twenty-seven years: which, for the sake of a round number, Pliny calls thirty, and thereby comes nearest to the truth. Prideaux, Connex. p. 432.

ⁱ The summary given us, by an ingenious and judicious modern, of the wars and fortunes of Mithridates, and of his character as a warrior, may not perhaps be unacceptable to the reader:

Montes-
quieu de
la Gran-
deur, &c.

—"This disposition of things [mentioned above in the note, p. 207.] gave rise to three mighty wars, which form one of the noblest parts of the Roman history: because we do not, on this occasion, read of princes already overcome by luxury and pride, as Antiochus and Tigranes; nor by fear, as Philip, Perses, and Jugurtha; but a magnanimous king, who, in adversity, like a lion that gazes upon his wounds, was fired with greater indignation upon that account. This part of the Roman history is singular, because it abounds with perpetual and ever-unexpected revolutions; for if Mithridates could easily recruit his armies, it is likewise true, that in those reverses of fortune, in which kings stand in greatest need of obedience, and a strict discipline, his barbarous forces forsook him: as he had the art of enticing nations, and stirring up cities to rebellion, so was he likewise betrayed by his captains, his children, and his wives: as he had sometimes unexperienced Roman generals to contend with, so, at other times, were sent against him Sylla, Lucullus, and Pompey.

"This prince having defeated the Roman generals, and conquered Asia, Macedonia, and Greece, was vanquished, in his turn, by Sylla; confined by a treaty to his former limits; harassed and insulted by the Roman generals. Become once more superior to them, and conqueror of Asia, he was driven thence by Lucullus; pursued into his own country, obliged to fly for shelter to Tigranes, and defeated with him: depending now upon himself alone (the Armenian monarch being irrecoverably lost), he took sanctuary in his own dominions, and re-ascended the throne.

"Lucullus was succeeded by Pompey, who quite overpowered Mithridates. He then fled out of his dominions, and, crossing the Araxes, marched from danger to danger through the country of the Lazi, and, assembling in his way all the barbarians he met with, appeared in Bosphorus against his son Machares, who had reconciled himself to the Romans.

"Although plunged in so deep an abyss, he yet formed a design of making Italy the seat of the war, and of marching to Rome, at the head of those nations who enslaved it some years after, and by the same way they then took."

[I know not whether by these last words the judicious author intended to intimate, that because the Roman state was, some hundred of years after this time, enslaved by the nations he refers to it, it would now have been endangered by an invasion from the same nations. If he did, he must surely have forgot for a moment, that Rome was now almost in the highest degree of strength she ever attained to; and that she was fallen into extreme weakness, and broken all to pieces, when those nations succeeded in their attempt upon her.]

"Betrayed by Pharnaces, another of his sons, and by an army terrified at the greatness of his enterprises, and the perils he was going in search of, he died in a manner worthy of a king."

firmed, that of twenty-two nations under his command, he could speak to every one in their own proper language. Other of his accomplishments have been already mentioned. But that he was inhuman, unnatural in his displeasure, a monster of cruelty (not to mention the massacre in cold blood of 80,000 Italians settled in Asia), is manifest from his murdering his mother and his brother, and from the great number of his sons, and of his friends and followers, whom at several times, and often on very slight occasions, he had put to death. He lived seventy-two years, sixty of which he reigned.

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sulship.

Plin. l. 7.
c. 24.

Prid. 437.

Pompey, from the plains of Jericho, where (as was before related) he received the news of the death of Mithridates, led his army towards Jerusalem. On his approach, Aristobulus, terrified, and repenting of what he had done, went out to meet him; and, in order to pacify his anger, promised him an absolute submission, and likewise a considerable sum of money. The Roman general accepted the proposal, detained the king, and sent Gabinius, one of his lieutenants, with a body of men, to receive the money: but when Gabinius came to the city, he found the gates shut against him; and was told from the walls, that the citizens would not stand to the agreement. Pompey, thinking himself mocked by Aristobulus, laid him in chains, and marched with the whole army directly for Jerusalem. The place, by its situation, as well as by its fortifications, was very strong, and might have held out a long time, if the people within had not been divided among themselves: the adherents of Aristobulus were unanimously for defending it; and to this they were the more vehemently carried, by their extreme indignation at Pompey's making their king a prisoner; but the partisans of Hyrcanus being the stronger, and being determined to receive Pompey into the city, the other party retired to the mountain of the temple, where, having broken down the bridges over the deep ditches and vallies that sur-

Jos. Ant.
et de Bell.
Judaic.

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1 Mac. 2.
32—38.
Prideaux.

Ib.

Jos. Ant.
et de Bell.
Judaic.

rounded it, they resolved to maintain themselves. Most of the sacerdotal order adhered to the cause of Aristobulus, and shut themselves up with those who had seized the temple; while the main body of the people not only admitted Pompey into the city, but, with Hyrcanus at their head, supplied the Romans with all the necessaries they could furnish for carrying on the siege of the temple. The north side of it being observed to be the weakest part, Pompey began his approaches there. At first he offered the besieged terms of peace; but these being rejected, he sent to Tyre for battering-rams, and all other engines of war proper for a siege, determined to exert his utmost efforts for the speedy reduction of the place. Nevertheless it held out three months, and perhaps, the Romans would have been necessitated to quit their enterprise, had it not been for the superstitious rigour with which the Jews observed their sabbath. Formerly it had been carried so high, that they would not defend their lives on that day, but, if then assaulted, would rather patiently yield their throats to be cut, than stir a hand in their own defence. But the mischief and folly of this being sufficiently made appear in what they suffered from it in the beginning of the Maccabean wars, it was then determined, that the necessary defence of a man's life was not within the prohibition of the fourth commandment. But this being understood to hold good only against a direct and immediate assault, and not against any antecedent preparative leading thereto, it reached not, in their opinion, to the allowing of any work to be done on that day, for the preventing or destroying the worst designs of mischief, till they came to be put in execution. Although, therefore, they vigorously defended themselves on the sabbath-day, when assaulted, yet they would not then stir a hand, either to hinder the enemy's works, or destroy their engines, or obstruct their erecting of them, as they did on other days; which Pompey perceiving, ordered, that no as-

sault should be made upon them during their sabbaths ; but that those days should be employed wholly in carrying on his works, and erecting and fitting his engines in such manner as they might best do execution the following days. And thus the Romans, taking advantage of the superstition of the Jews, filled up the ditches with which the temple was surrounded, and brought forward their engines of battery, without meeting with any opposition : by which engines they at length beat down a strong tower ; and this drew a great part of the adjoining wall with it ; so that a breach was made large enough for an assault. Cornelius Faustus, the son of Sylla, being posted near the breach, immediately mounted it, and was followed by the whole army, who thus entering the place, made a dreadful slaughter of those whom they found within it : it is reckoned, that no less than 12,000 were put to the sword ; and, in this massacre, none acted more cruelly than the Jews of the contrary faction did against their own brethren. During all this scene of destruction, we are told, that the priests, who were then in the temple, went on with the daily service of it, not being deterred, either by the rage of their enemies, or by the death of their friends : and that many of the priests, while they were so employed, had their own blood mingled with the blood of the sacrifices which they were offering : an instance of constancy much admired by Pompey himself.

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381st consulship.

Jos. Ant. et
de Bell.
Judaic.

And thus, after a siege of three months, was the temple of Jerusalem taken by the Romans, in the end of the first year of the 179th Olympiad (Caius Antonius and Marcus Tullius Cicero being then consuls at Rome), about the time of our midsummer, and on the day which the Jews kept as a solemn fast for the taking of Jerusalem, and the temple with it, by Nebuchadnezzar, king of Babylon.

As soon as the Romans had made themselves masters of the place, Pompey, accompanied by several of his

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chief officers, went up into it, and not contenting themselves with viewing the outer courts, caused the most^k sacred parts of the temple to be opened to them; and they entered not only into the holy place, but also into the holy of holies, where none were permitted, by the Jewish law, to enter but the high-priest, and he only once in a year, on their great day of expiation. The Jews are said to have more grievously resented the profanation of their temple by Pompey than all they had before suffered from the Romans during the war.

Jos. Ant.

Though Pompey found, in the treasuries of the temple, 2,000 talents in money, besides its rich utensils, and other things of great value, he left it all entire and untouched, for the sacred uses to which it was devoted. And the next day he ordered the temple to be cleansed, and divine service to be there carried on, in the same manner as formerly.

The walls of Jerusalem, however, he demolished; and, though he restored Hyrcanus to the office of high-priest, and made him also prince of the country, would not allow him to wear a diadem, or to extend his borders beyond the old limits of Judea; but deprived him of all those cities which had been taken by his predecessors from the Cœle-Syrians and Phœnicians. Gadara (which was one of them) having been lately destroyed by the Jews, he ordered to be rebuilt, at the request of Demetrius, his freedman and chief favourite,^l who was

App. in
Syr. et de
Bell. Civ.

^k That the temple was now taken on the day of a solemn fast, is said, not only by Josephus in the places last above cited, but also by Strabo, l. 16. p. 763. The taking of Jerusalem by Nebuchadnezzar was on the ninth day of their month Tamuz, (2 Kings xxv. 21.) which usually falls about the time of our midsummer, sooner or later, according as their intercalation happened. But in their present calendar, it is translated to the eighteenth of that month.

De 'Tranq.
Anim. 8.
Plut. in
Pomp.

^l The enormous riches and power of this Demetrius reflect no honour upon his patron. He was not ashamed, says Seneca, of being richer than Pompey; and Plutarch relates of him, that before he returned to Rome, he had very fine houses in the most agreeable suburbs of the city, with magnificent gardens, whilst Pompey had only a plain habitation. Frequently at feasts, while Pompey was waiting for his guests, or politely receiving them, Demetrius had already taken his place at table, with his head covered, and lolling at his ease. But such was the disposition of Pompey; he overlooked every thing in those he loved. Gabinius, Scaurus, and others, acted all kinds of injustice and oppression under his authority, and enriched themselves by pillaging without any reserve. Pompey suffered it, either through weak-

a native of that place. This, and all the rest of those conquered cities, he added to the province of Syria; of which he made Scaurus president, giving him two legions to keep the country in order. Then, carrying with him Aristobulus, and his two sons, Alexander and Antigonus, and two of his daughters, as captives to be led before him in his triumph, he set forward in the way to Rome.

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Pompey, on his return from Syria, coming to Amisus in Pontus, found there the body of Mithridates, which had been sent to him from Pharnaces, with many presents, to procure his favour. The presents Pompey received; but as to the body, that he might not seem to insult the dead, he would not see it, but ordered it to be carried to Sinope, and there buried in the ancient burial-place of the kings of Pontus; adding such expenses for the funeral, as were necessary for the solemnization of it in a royal manner.

Plut. in
Pomp.

Pharnaces delivered up likewise to Pompey those persons, who, some years before, had seized Manius Aquilius at Mitylene, and put him into the hands of the king of Pontus; and together with these he sent also a great number of hostages, whom Mithridates had exacted from various princes and states, Greek and barbarian.

Vid. supr.
p. 171.
App. Mi-
thrid. p.
250.

Many governors of fortresses and castles^m in this country had waited the arrival of the Roman general, in order to surrender them to him in person, and thereby avoid being made answerable for such parts of the treasures there deposited as they imagined would otherwise be embezzled by under-officers: so that a prodigious quantity of jewels and rich moveables fell into his hands.

Dio. Cass.
l. 37.

ness, not daring to check them, or through policy, to attach creatures to him, whom he was afraid to remove by too much severity. It is a blot in his reputation; for it does not suffice for a man in office, that his personal conduct be irreproachable: he is answerable for the misconduct of those who act under his commission. Crevier.

^m In some of these castles Pompey found vast riches, especially at Telaura, where was the chief wardrobe, or storehouse of Mithridates; for it contained 2,000 cups made of the onyx stone, and set in gold, with such a vast quantity of all sorts of plate, household goods, and furniture, and of all manner of rich accoutrements, both for man and horse, that the quæstor of the army was thirty days in taking an inventory of them.

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sulship.

Plut. in
Pomp.

48l. 8s. 9d.

3,100,000l.

3,875,000l.

And now the conqueror distributed rewards to all those petty princes who had deserved well of the republic: to Pharnaces, he gave the title of friend and ally of the Roman people, confirming him in the possession of the kingdom of Bosphorus: only he accepted, out of the number of his subjects, the inhabitants of Phana-goria, declaring them free: because, by their revolt, they had given the final blow to Mithridates. Castor, the author of that defection, was likewise rewarded with the title of friend and ally of the Roman people: [This man became afterward the son-in-law of king Dejota-rus]. From Amisus Pompey marched into the province of Asia Propria, and took up his winter-quarters in the city of Ephesus. While he lay there, he rewarded his victorious army, giving to each private soldier 1,500 drachms, and proportionably more to all the officers, according as they were in higher or lower posts of command; on which occasion he expended out of the spoils taken in this war 16,000 talents; and yet he reserved 20,000 talents to be carried into the public treasury at Rome, on the day of his triumph; to make which as glorious as possibly he could, was now his principal object.

CHAP. IX.

Extraordinary honours are decreed to Pompey by the senate at the motion of M. Tullius Cicero, then consul; and by the people, at the motion of two of their tribunes. An account of the birth, education, and travels of Cicero; his progress through the quæstorship, ædileship, and prætorship, to the consular dignity; his acts and proceedings in his consulship, prior to his discovery of Cataline's conspiracy. Brief histories of C. Julius Cæsar, M. Porcius Cato, and L. Sergius Catilina, to that time. The conspiracy is quashed. Honours done to Cicero by the senate. He is affronted by Metellus Nepos, one of the tribunes, but contrives to make the affront turn to his glory.

THE joy at Rome on the news of the death of Mithridates may be said to have been intemperate. Cicero, who in a speech (the first he ever made from the rostra) had employed his eloquence with the people to procure for Pompey that unprecedented commission, which was

given him by the Manilian law, employed now his consular and personal influence with the senate to obtain for him unprecedented honours. At the motion of Cicero, the fathers decreed a public thanksgiving, in Pompey's name, of ten days, which was twice as long as had ever been decreed before to any general, even to Marius himself, for his victory over the Cimbri.ⁿ

And upon the receipt of the public letters, which brought the account of Pompey's success in Judea (which put an end to the wars in the east), two tribunes of the people, T. Labienus and T. Ampius, passed a law, that this singular favourite should, on all festival days, have the privilege of wearing a laurel crown, with his general's robe; and in the equestrian races of the circus his triumphal habit.^o

But we read, that in vain would have been these decrees in reward of Pompey's victories, in vain would have been the victories themselves, if his eloquent panegyrist, a most able and vigilant magistrate, had not preserved Rome (in the close of this very year), from the mischievous machinations of her own citizens; machinations so big with destruction, that Pompey, at his return home, declared himself indebted to Cicero, for the satisfaction of seeing again his native country. Before we proceed to the relation of that memorable transaction, it may be proper to give some account of the origin of this famous consul, orator, and philosopher, of the steps by which he rose to the highest magistracy, and of the acts of his consulship anterior to that which was the chief glory of his life.

Midd. vol.
1. p. 3.

ⁿ The reader will not perhaps much wonder at this, if he calls to mind what was formerly mentioned (b. 6. c. 9.) that Cicero (a thorough party man) speaks of Scipio's starving a small garrison out of Numantia (a town in the heart of Spain) as an exploit equally momentous with Marius's victory (near the Po in the entrance of Italy) over the numerous forces of the Cimbri; an army amounting to 300,000 men, which, in the opinion of the public at Rome, threatened the city with a speedy and total destruction.

^o If we may believe Paternulus and Dio, Pompey, ashamed of these marks of distinction, so contrary to republican maxims, made use of them but once. Cicero seems to say the contrary: "*Pompeius togulam illam pictam silentio tuetur suam.*" L. 1. Ep. 18. ad Attic.

Cic. Ep. ad
Att. 7. 5.
Fig. An.
37. 2.
Cic. de
Leg. 2. 3.
Val. Max.
2. 2.

Marcus Tullius Cicero was^P born on the 3d of January, in the 647th year of Rome, at Arpinum, a city anciently of the Samnites (now part of the kingdom of Naples), which, upon its submission to Rome, acquired the freedom of the city, and was inserted into the Cornelian tribe. It had the honour also of producing the great C. Marius; which gave occasion to Pompey to say, in a public speech, “That Rome was indebted to this corporation for two citizens, who had, each in his turn, preserved it from ruin.”

Midd. p. 11. Cicero's father,^q encouraged by the promising genius of his son, spared no cost nor pains to improve it by

Middl. p. 2. ^P His mother was called Helvia; a name mentioned in history and old inscriptions among the ancient families of Rome. She was rich and well descended. It is remarkable, that Cicero never once speaks of his mother in any part of his writings.—

Sil. Ital. As to his father's family—some derive his descent from kings, others from mechanics, but the truth lay between both; for his family, though it had never borne any of the great offices of the republic, was yet very ancient and honourable, of principal distinction and nobility in that part of Italy in which it resided, and of equestrian rank, from its first admission to the freedom of Rome. As often as there was occasion to mention the character and condition of his ancestors, Cicero speaks of them always with great frankness, declaring them to have been content with their paternal fortunes, and the private honours of their own city, without the ambition of appearing on the public stage of Rome. Thus, in a speech to the people, upon his advancement to the consulship, “I have no pretence (says he) to enlarge before you upon the praises of my ancestors; not but that they were all such as myself, who am descended from their blood and trained by their discipline; but because they lived without this applause of popular fame, and the splendour of these honours which you confer.” It is on this account, therefore, that we find him so often called a new man; not that his family was new or ignoble, but because he was the first of it who ever sought and obtained the public magistracies of the state.

Cic. de
Leg. 2. 1, 2.

Cic. de
Leg. A-
grar. 1.
Middl. p. 6.

Macrob.
Sat. 1. 16.

^q Cicero, being the first-born of the family, received, as usual, the name of his father and grandfather, Marcus. This name was properly personal, equivalent to that of baptism with us, and imposed with ceremonies somewhat analogous to it, on the ninth day, called the lustrical, or day of purification; when the child was carried to the temple by the friends and relations of the family, and before the altars of the gods, recommended to the protection of some tutelar deity.

Tullius was the name of the family, which, in old language, signified flowing streams, or ducts of water, and was derived probably from their ancient situation, at the confluence of the two rivers.

Pompeius
Festus in
voce Tul-
lius.
Hist. Nat.
18. 3. 1.

The third name was generally added on account of some memorable action, quality, or accident, which distinguished the founder, or chief person of the family. Plutarch says, that the surname of Cicero was owing to a wart or excrescence on the nose of one of his ancestors, in the shape of a vetch, which the Romans called cicer. But Pliny tells us, more credibly, that all those names, which had a reference to any species of grain, as the Fabii, Lentuli, &c. were acquired by a reputation of being the best husbandmen, or improvers, of that species. As Tullius, therefore, the family name, was derived from the situation of the farm, so Cicero, the surname, from the culture of it by vetches. This, I say, is the most probable, because agriculture was held the most liberal employment in old Rome; and those tribes, which resided on their farms in the country, the most honourable; and this very grain, from which Cicero drew his name, was, in all ages of the republic, in great request with the meaner people; being one of the usual largesses bestowed upon them by the rich, and sold every where in the theatres and streets ready parched or boiled for present use.

the help of the ablest masters, and, among the other instructors of his early youth, put him under the care of the poet Archias, who, when Cicero was about five years old, came to Rome with a high reputation for learning and poetry, and lived in the family of Lucullus.^r

Cic. pro
Arch. 1. 3.

When Cicero, at about seventeen years of age, had changed the puerile for the manly gown, and had (according to custom) been introduced into the Forum, he was placed under the care of Q. Mucius Scævola, the augur, the principal lawyer, as well as statesman, of that age, who had passed through all the offices of the republic with a singular reputation of integrity, and was now extremely old: Cicero never departed from his side, but carefully treasured up in his memory all the remarkable sayings which dropped from him, as so many lessons of prudence for his future conduct; and, after his death, applied himself to another of the same family, Scævola, the high-priest, a person of equal character for probity and skill in the law; who, though he did not

Midd. p.13.

Cic. de
Amicit. 1.

Cic. in
Brut. p. 89.
(edit. Seb.
Corrad.)

^r It was the custom of the great, in these days, to entertain in their houses the principal scholars and philosophers of Greece, with a liberty of opening a school, and teaching, together with their own children, any of the other young nobility and gentry of Rome. Under this master, Cicero applied himself chiefly to poetry, to which he was naturally addicted, and made such a proficiency in it, that, while he was still a boy, he composed and published a poem, called Glaucus Pontius, which was ex-

Hor. Sat.
1. 2. 3.

182. et de
Art. Poët.
249. Middl.
p. 11.

tant in Plutarch's time. After finishing the course of these puerile studies, it was the custom to change the habit of the boy for that of the man, and take what they call the manly gown, or the ordinary robe of the citizens: this was an occasion of great joy to the young men, who, by this change, passed into a state of greater liberty and enlargement from the power of their tutors. They were introduced, at the same time, into the Forum, or the great square of the city, where the assemblies of the city were held, and the magistrates used to harangue them from the rostra, and where all the public pleadings and judicial proceedings were usually transacted: this, therefore, was the great school of business and eloquence, the scene on which all the affairs of the empire were determined, and where the foundation of their hopes and fortunes were to be laid: so that they were introduced to it with much solemnity, attended by all the friends and dependants of the family, and, after divine rites performed in the Capitol, were committed to the special protection of some eminent senator, distinguished for his eloquence and knowledge of the laws, to be instructed by his advice, in the management of civil affairs, and to form themselves, by his example, for useful members and magistrates of the republic.

Paus. Bæot.
c. 22.

Cum pri-
mum pavi-
do custos
mihi pur-
pura cessit.
Pers. Sat. 5.
30.

Writers are divided about the precise time of changing the puerile for the manly gown: what seems the most probable, is, that in the old republic it was never done till the end of the seventeenth year; but when the ancient discipline began to relax, parents, out of indulgence to their children, advanced this æra of joy one year earlier, and gave them the gown at sixteen, which was the custom in Cicero's time. Under the emperors, it was granted at pleasure, and at any age, to the great, or their own relations; for Nero received it from Claudius, when he just entered into his fourteenth year, which, as Tacitus says, was given before the regular season.

Midd. p.12.

Ann. 12.41.

profess to teach, yet freely gave his advice to all the young students who consulted him.

Under these masters he acquired a complete knowledge of the laws of his country ;⁴ but the knowledge of the law was but one ingredient of many, in the character which he aspired to, of an universal patron, not only of the fortunes, but of the lives and liberties of his countrymen : for that was the proper notion of an orator, or pleader of causes ; whose profession it was, to speak aptly, elegantly, and copiously, on every subject which could be offered to him, and whose art, therefore, included in it all other arts of the liberal kind, and could not be acquired to any perfection, without a competent knowledge of whatever was great and laudable in the universe.

Cic. de
Orat. 1. 5.
6. 13. 16.
Midd. p. 26.

This was his own idea of what he had undertaken.

The transactions of the Forum were greatly interrupted by the civil dissensions ; in which some of the best orators were killed, and others banished. Cicero, however, attended the harangues of the magistrates, who possessed the rostra in their turns.

Ib. p. 27.

In the meanwhile, Philo, a philosopher of the first name in the academy, with many of the principal Athenians, fled to Rome from the fury of Mithridates, who

Midd. p. 13. ⁴ This branch of knowledge was thought to be of such consequence at Rome, that it was the common exercise of boys at school to learn the laws of the twelve tables by heart ; as they did their poets and classic authors. Cicero particularly took such pains in this study, and was so well acquainted with the most intricate parts of it, as to be able to sustain a dispute on any question with the greatest lawyer of his age : so that pleading once against his friend, S. Sulpicius, he declared, by way of raillery, what he could have made good likewise in fact, that if he provoked him, he would profess himself a lawyer in three days' time.

Cic. de Off. 1. 32. 2. 19. The profession of the law, next to that of arms and eloquence, was a sure recommendation to the first honours of the republic, and for that reason was preserved, as it were, hereditary in some of the noblest families of Rome ; who, by giving their advice gratis to all who wanted it, engaged the favour and observance of their fellow-citizens, and acquired great authority in all the affairs of state. It was the custom of these old senators, eminent for their wisdom and experience, to walk every morning up and down the Forum, as a signal of their offering themselves freely to all, who

Cic. de Orat. 3. 33. had occasion to consult them, not only in case of law, but in their private and domestic affairs. But in latter times they chose to sit at home with their doors open, in a kind of throne, or raised seat, like the confessors in foreign churches, giving access and audience to all people. This was the case of the two Scævolas, especially

Cic. de Orat. 1. 45. the augur, whose house was called the oracle of the city ; and who, in the Marsic Philip. 8. war, when worn out with age and infirmities, gave admission every day to all the citizens as soon as it was light, nor was ever seen by any in his bed during that whole war.

had made himself master of Athens, and all the neighbouring part of Greece. Cicero immediately became his scholar, and was exceedingly taken with his philosophy; and, by the help of such a professor, gave himself up to that study with the greatest inclination, as there was cause to apprehend, that the laws and judicial proceedings, which he had designed for the ground of his fame and fortunes, would be wholly overturned by the continuance of the public disorders.

But Cinna's party having quelled all opposition at home, while Sylla was engaged abroad in the Mithridatic war, there was a cessation of arms within the city for about three years, so that the course of public business began to flow again in its usual channel; and Molo, the Rhodian, one of the principal orators of that age, and the most celebrated teacher of eloquence, happening to come to Rome at the same time, Cicero presently took the benefit of his lectures, and resumed his oratorical studies with his former ardour.^t And that he might neglect nothing which could help in any degree to improve and polish his style, he spent the intervals of his leisure in the company of the ladies; especially of those who were remarkable for a politeness of language, and whose fathers had been distinguished by a fame and reputation of their eloquence. Midd. p. 35.

Thus adorned and accomplished, by having run through all that course of discipline, which he himself lays down as necessary to form the complete orator, he offered himself to the bar about the age of twenty-six.

The first criminal cause in which he was concerned was that of L. Roscius Amerinus, of which an account has been already given. He was then in his twenty- Midd. p. 37.
Vid. sup. r.
p. 236.

^t In the first or second year of Sylla's dictatorship, Molo, the Rhodian, came again to Rome, to solicit the payment of what was due to his country for their services in the Mithridatic war, which gave Cicero an opportunity of putting himself a second time under his direction, and perfecting his oratorical talents, by the farther instructions of so renowned a master: whose abilities and character were so highly revered, that he was the first, of all foreigners, who was allowed to speak to the senate in Greek without an interpreter; which shews in what vogue the Greek learning, and especially eloquence, flourished at this time in Rome.

Val. Max. 2.
2.

seventh year; the same age, as the learned have observed, in which Demosthenes first began to distinguish himself in Athens. Plutarch says, that presently after this trial Cicero took occasion to travel abroad on pretence of his health, but in reality to avoid the effects of Sylla's displeasure.^u

Midd. p.41. He was twenty-eight^x years old when he set forward upon his travels to Greece and Asia: the fashionable tour of all those who travelled either for curiosity or improvement.^y

Midd. p.40, 41. ^u There seems no ground for this notion.—We have a clear account from himself of the real motive of this journey: “My body (says he) at this time was exceedingly weak and emaciated: my neck long and small; which is a habit thought liable to great risk of life, if engaged in any fatigue or labour of the lungs; and it gave the greater alarm to those who had a regard for me, that I used to speak without any remission or variation, with the utmost stretch of voice, and great agitation of my body: when my friends, therefore, and physicians, advised me to meddle no more with causes, I resolved to run any hazard, rather than quit the hopes of glory, which I proposed to myself from pleading: but when I considered that by managing my voice, and changing my way of speaking, I might both avoid all danger, and speak with more ease, I took a resolution of travelling into Asia, merely for an opportunity of correcting my manner of speaking: so that, after I had been two years at the bar, and acquired a reputation in the Forum, I left Rome,” &c. Brut. 437.

^x If Cicero, who was born Jan. 1, 647, was twenty-eight years old when he began his travels, he did not set forward till the year 675; and, if so, the learned writer of his life might have found a better reason than the passage in Brut. 437. for conjecturing that he did not leave Rome to avoid the effects of Sylla's displeasure: for Sylla (if indeed he was then alive) was not then dictator. He abdicated the dictatorship in 674, the year in which Cicero defended S. Roscius Amerinus: and though the orator boasts of his having defended this Roscius against Sylla himself, in the height of his power, and refers to his oration as extant, in proof of what he says [*quæ ut scis, extat oratio*] it is highly probable, that the bold passages of it, in which he glories, were never spoken by him (which was the case with regard to some other of his orations), and it may well be doubted, whether they were ever written before Sylla's abdication, or even before his death.

Vid. supr. p. 236.

Midd. p.41. ^y His first visit was to Athens, the capital seat of arts and sciences; where some writers tell us that he spent three years, though in truth it was but six months: he took up his quarters with Antiochus, the principal philosopher of the old academy; and under this excellent master renewed, he says, those studies which he had been fond of from his earliest youth. Here he met with his school-fellow, T. Pomponius, who, from his love to Athens, and his spending a great part of his days in it, obtained the surname of Atticus, and here they revived and confirmed that memorable friendship which subsisted between them through life with so celebrated a constancy and affection.

P. 42.

“It was in this first journey to Athens that he was initiated, most probably, into the Eleusinian mysteries; for, though we have no account of the time, yet we cannot fix it better than in a voyage undertaken both for the improvement of his mind and body. The reverence with which he always speaks of these mysteries, and the hints that he has dropped of their end and use, seem to confirm what a very learned and ingenious writer has delivered of them: that they were contrived to inculcate the unity of God, and the immortality of the soul. As for the first, after observing to Atticus, who was one also of the initiated, how the gods of the popular religions were all but deceased mortals, advanced from earth to heaven, he bids him remember the doctrine of the mysteries, in order to recollect the universality of that truth: and, as to the second, he declares his initiation to be, in fact, what the name itself implied, a real beginning of life to him; as it taught the way, not only of living with greater pleasure, but of dying also with a better hope.”

Tusc.

Quæst. 1. 13.

De Leg. 2. 14.

He spent two years in this excursion ; and having, after his return, spent one year at the bar, he was, in

N. B. Notwithstanding this grave declaration, of his having learnt so important and so pleasing a truth by his initiation, the very learned author of the *Divine Legation*, &c. (above cited) has produced probable evidence, at least, that our traveller, after his return home, did not believe the immortality of the soul in any sense, that could make him die with a better hope, than a man who believes its mortality. Book 3. §. 3. "The several and various characters he sustained in his life and writings, habituated him to feign and dissemble his opinions. He may be considered as an orator, a statesman, a philosopher ; characters all equally personated ; and no one more the real man than the other : but each of them taken up and laid down for the occasion. This appears from the numerous inconsistencies we find in him throughout the course of his sustaining them."——The learned writer gives an instance, where "the philosopher confuted the statesman ;" he adds, "As in another instance the statesman seems to have got the better of the philosopher." He defends the paradoxes of the Stoics in a philosophic dissertation : but, in his oration for *Muræna*, he "ridicules those paradoxes in the freest manner."

N. B. "Nor under one and the same character, or at one and the same time, is he more consistent. In the orations against *Catiline*, when he opens the conspiracy to the senate, he represents it as the most deep-laid design, which had infected all orders and degrees of men amongst them : yet, when he brings the same affair before the people, he talks of it as only the wild and senseless escape of a few desperate wretches : it being necessary for his purpose, that the senate and people, who viewed the conspiracy from several stations, should see it in different lights.

"We meet with numbers of the like contradictions delivered in his own person, and under his philosophic character. Thus in his *Books of Divination* he combats all augury, &c. and yet, in his philosophic *Treatise of Laws*, he delivers himself in their favour, and in so serious and positive a manner, that it is difficult not to believe him to be in earnest. In a word, he laughed at the opinions of state, when he was amongst the philosophers ; he laughed at the doctrines of the philosophers, when he was cajoling an assembly ; and he laughed heartily at both, when withdrawn amongst his friends in a corner. Nor is this the worst part of the story. He hath given us no mark to distinguish his meaning : for in his *Academic Questions* he is ready to swear, he always speaks what he thinks. '*Jurarem per Jovem, Deosque penates, me et ardere studio veri reperiendi, et ea sentire quæ dicerem :*' yet, in his *Nature of the Gods*, he has strangely changed his tone : '*Qui autem requirunt, quid quaque de re ipsi sentiamus, curiosius id faciunt quam necesse est.*'

"If it be asked then, in which of his writings we can have any reasonable assurance of his true sentiments ? I reply, scarce in any but his *Epistles*.—It is only in his *Epistles* to his friends, where we see the man divested of the politician, the sophist, and the advocate : and there he professes his disbelief of a future state of rewards and punishments in the frankest and freest manner." [The passages, cited in Latin, are thus translated by the very ingenious Mr. Melmoth.]

He says to *L. Mescinius*.—"This advantage we may at least derive from our extreme calamities ; that they will teach us to look upon death with contempt : which, even if we were happy, we ought to despise as a state of total insensibility," &c. *Ep. Fam. l. 5. Ep. 21.*

To *A. Torquatus*.—"I have the consolation in common with yourself, that should I now be called upon to lay down my life, I shall not be cut off from a commonwealth, which I can by any means regret to leave, especially, as the same blow which deprives me of my life, will deprive me likewise of all sensibility." *Lib. 6. Ep. 4.*

To *Toranius*.—"Now that counsel can profit nothing, and that the republic is utterly overturned, the only rational part that remains, is to bear with calmness whatever shall be the event ; especially, when it is considered, that death is the final period of all human concerns." *Lib. 6. Ep. 21.*

The ingenious translator is of opinion, that, "admitting these several passages to be so many clear and positive assertions, that the soul perishes with the body ; yet it would by no means follow that this was *Cicero's* real belief. It is usual with him to vary his sentiments in the letters, in accommodation to the principles or circumstances of his correspondents." After some instances given, the ingenious translator adds, "Other instances of the same variation from himself might be produced ; but these, together with those that have already been occasionally pointed out in the

the next (the consulship of Cn. Octavius, and C. Scribonius, year of Rome 677), elected to the office of quæstor, “and had the honour to be chosen the first of all his competitors, by the unanimous suffrage of the tribes, and in the first year in which he was capable of it by law, the thirty-first of his age.”^z [Cotta was the same year chosen consul, and Hortensius ædile.]

Midd. p.62. The island of Sicily, though under the government of one prætor, was divided into the two provinces of Lilybæum and Syracuse, which had each of them a distinct quæstor. The former fell by lot to Cicero. Sicily was usually called the granary of the republic, and the quæstor’s chief employment in it was to supply corn and provisions for the use of the city: but there happening to be a peculiar scarcity this year at Rome, it made the people very clamorous, and gave the tribunes

course of these remarks, are sufficient, perhaps, to evince, that Cicero’s real sentiments and opinions cannot be proved by any particular passages in these letters. In those to Atticus, indeed, he was generally, though not always, more sincere.” Melmoth, Remark 6. vol. 2. p. 232.

P. 43. From Athens he passed into Asia, where he gathered about him all the principal orators of the country, who kept him company through the rest of his voyage; and with whom he constantly exercised himself in every place where he made any stay. The chief of them, says he, was Menippus of Stratonica, the most eloquent of all the Asiatics; and, if to be neither tedious, nor impertinent, be the characteristic of an Attic orator, he may justly be reckoned in that class.

P. 44. 45. But as at Athens, where he employed himself chiefly in philosophy, he did not intermit his oratorical studies; so at Rhodes, where his chief study was oratory, he gave some share also of his time to philosophy with Posidonius, the most esteemed and learned Stoic of that age; whom he often speaks of with honour, not only as his master, but as his friend. It was his constant care, that the progress of his knowledge should keep pace with the improvement of his eloquence; he considered the one as the foundation of the other, and thought it vain to acquire ornaments before he had provided necessary furniture: he declaimed here in Greek, because Molo did not understand Latin; and, upon ending his declamation, while the rest of the company were lavish of their praises, Molo, instead of paying compliments, sat silent a considerable time, till, observing Cicero somewhat disturbed at it, he said, “As for you, Cicero, I praise and admire you, but pity the fortune of Greece, to see arts and eloquence, the only ornaments which were left to her, transplanted by you to Rome.” Having thus finished the circuit of his travels, he came back again to Italy, extremely improved, and changed as it were into a new man; the vehemence of his voice and action was moderated; the redundancy of his style and fancy corrected; his lungs strengthened; and his whole constitution confirmed.

Plut. in
Cic.

Brut. p.
438.

Midd. p.59. ^z We have no account of the precise time of Cicero’s marriage, which was celebrated most probably in the end of the preceding year, immediately after his return to Rome, when he was about thirty years old: it cannot be placed later, because his daughter was married the year before his consulship, at the age of thirteen; though we suppose her to be born this year, on the 5th of August, which is mentioned to be her birth-day. Nor is there any thing certain delivered of the family, or condition of his wife Terentia; yet from her name, her great fortune, and her sister Fabia’s being one of the vestal virgins, we may conclude, that she was nobly descended.

an opportunity of inflaming them the more easily, by charging it to the loss of the tribunician power, and their being left a prey, by that means, to the oppressions of the great. It was necessary, therefore, to the public quiet, to send out large and speedy supplies from Sicily, by which the island was like to be drained; so that Cicero had a difficult task to furnish what was sufficient for the demands of the city, without being grievous at the same time to the poor natives; yet he managed the matter with so much prudence and address, that he made very great exportations, without any burden upon the province: shewing great courtesy all the while to the dealers, justice to the merchants, generosity to the inhabitants, humanity to the allies, and, in short, doing all manner of good offices to every body; by which he gained the love and admiration of all the Sicilians, who decreed greater honours to him at his departure, than they had ever decreed before to any of their governors.^a

Vid. Orat.
Cottæ in
fragm.
Sallust.

Pro Planc.
26.

^a Before he left Sicily he made the tour of the island, to see every thing in it that was curious, and especially the city of Syracuse, which had always made the principal figure in its history. Here his first request to the magistrates, who were shewing him the curiosities of the place, was to let him see the tomb of Archimedes, whose name had done so much honour to it; but, to his surprise, he perceived that they knew nothing at all of the matter, and even denied that there was any such tomb remaining; yet as he was assured of it beyond all doubt, by the concurrent testimony of writers, and remembered the verses inscribed, and that there was a sphere with a cylinder engraved on some part of it, he would not be dissuaded from the pains of searching it out. When they had carried him, therefore, to the gate, where the greatest number of their sepulchres stood, he observed in a spot overgrown with shrubs and briars a small column, whose head just appeared above the bushes, with the figure of a sphere and cylinder upon it: this, he presently told the company, was the thing they were looking for, and sending in some men to clear the ground of the brambles and bushes, he found the inscription also which he expected; though the latter part of all the verses were effaced. "Thus (says he), one of the noblest cities of Greece, and once likewise the most learned, had known nothing of the monument of its most deserving and ingenious citizen, if it had not been discovered to them by a native of Arpinum." At the expiration of his year he took leave of the Sicilians, by a kind and affectionate speech, assuring them of his protection in all their affairs at Rome; in which he was as good as his word, and continued ever after their constant patron, to the great benefit and advantage of the province.

Tusc.
Quæst. 5.5.

He came away extremely pleased with the success of his administration; and flattering himself, that all Rome was celebrating his praises, and that the people would readily grant him every thing that he desired; in which imagination he landed at Puteoli, a considerable port, adjoining to Baiæ, the chief city of pleasure in Italy, where there was a perpetual resort of the rich and the great, as well for the delights of the situation, as the use of its baths and hot waters. But here, as himself pleasantly tells the story, he was not a little mortified by the first friend whom he met, who asked him how long he had left Rome, and what news there? He answered, "I came from the provinces;" "From Afric, I suppose," says another. "No (replying with some in-

Middl.
p. 74.

Brut. p. 40.

Plut. in
Cic.

Middl.
p. 76.

Plut. in
Cic.

When five years, from the time of his election to the quæstorship, were almost elapsed, which was the proper interval prescribed by law, before he could hold the next office of tribune or ædile (through one of which it was necessary to pass in his way to the superior dignities), he chose to drop the tribunate, as being stripped of its ancient power by the late ordinance of Sylla, and began to make interest for the ædileship, while Hortensius, at the same time, was suing for the consulship. Cicero had employed all this interval in a close attendance on the Forum, and a perpetual course of pleading, which greatly advanced his interest in the city; especially when it was observed, that he strictly complied with the law; by refusing, not only to take fees, but to accept even any presents, in which the generality of patrons were less scrupulous.

As he had now devoted himself to a life of business and ambition, so he omitted none of the usual arts of recommending himself to popular favour, and facilitating his advancement to the superior honours. He thought it absurd, that, when every little artificer knew the name and use of all his tools, a statesman should neglect the knowledge of men, who were the proper instruments with which he was to work: he made it his business, therefore, to learn the name, the place, and the condition of every eminent citizen; what estate, what friends, what neighbours he had; and could readily point out their several houses, as he travelled through Italy.^b

dignation), I came from Sicily." A third, who stood by, and had a mind to be thought wiser, said presently, "How! did you not know that Cicero was quæstor of Syracuse?" [Which he was not, but of Lilybæum]. Upon which, perceiving it in vain to be angry, he fell into the humour of the place, and made himself one of the company, who came to the waters. This mortification gave some little check to his ambition, or taught him, however, how to apply it more successfully; and did him more good, he says, than if he had received all the compliments that he expected. For it made him reflect, that the people at Rome had dull ears, but quick eyes; and that it was his business to keep himself always in their sight; nor to be solicitous how to make them hear of him, as to make them see him: so that from this moment he resolved to stick close to the Forum, and to live perpetually in the view of the city; nor to suffer either his porter, or his sleep, to hinder any man's access to him. Pro Plancio, 26.

^b This knowledge, which is useful in all popular governments, was particularly ne-

He was now in his thirty-seventh year (683), when he was declared ædile (as he was before elected quæstor), by the unanimous suffrage of all the tribes, and preferably to all his competitors. Cic. in
Pison.

This magistracy gave a precedence in the senate, or a priority of voting and speaking next after the consuls and prætors; and was the first that qualified a man to have a picture, or statue of himself, and consequently ennobled his family. After Cicero's election to the ædileship, but before his entrance into the office, he undertook the famed prosecution of C. Verres, the late prætor of Sicily, which has been already spoken of in the preceding pages of this work.^c Middl.
p. 79

In Verr.
5. 14.
Vid. supr.
p. 285,
et seq.
Middl.
p. 76.

From the conclusion of his orations against Verres [the five last of which were never spoken], we may observe, that Cicero's vigour in this cause had drawn upon

cessary at Rome; where the people, having much to give, expected to be much courted; and where their high spirits and privileges placed them as much above the rank of all other citizens, as the grandeur of the republic exceeded that of all other states: so that every one who aspired to any public dignity kept a slave or two in his family, whose sole business was to learn the names, and know the persons of every citizen at sight, so as to be able to whisper them to his master as he passed through the streets, that he might be ready to salute them all familiarly, and shake hands with them as his particular acquaintance. Vid. de pe-
tit. Cons.
11 Hor.
1 Epist. 6.

Plutarch says, that the use of these nomenclators was contrary to the laws; and that Cato, for that reason, in suing for the public offices, would not employ any of them, but took all that trouble upon himself. But that notion is fully confuted by Cicero, who, in his oration for Muræna, rallies the absurd rigour of Cato's stoical principles, and their inconsistency with common life, from the very circumstance of his having a nomenclator.—“What do you mean (says he) by keeping a nomenclator? the thing itself is a mere cheat: for if it be your duty to call the citizens by their names, it is a shame for your slave to know them better than yourself.—Why do you not speak to them before he has whispered you? Or, after he has whispered, why do you salute them as if you knew them yourself? Or, when you have gained your election, why do you grow careless about saluting them at all? All this, if examined by the rules of social life, is right; but if by the precepts of your philosophy, very wicked.” [Pro Muræna, 36.] As for Cicero himself, whatever pains he is said to have taken in this way, it appears from several passages in his letters that he constantly had a nomenclator at his elbow on all public occasions. Plut. in
Cic.

Middl.
p. 87.

^c In the first contest (there mentioned) with Cæcilius, Cicero estimates the damages of the Sicilians at above 800,000*l.* but this was a computation at large, before he was distinctly informed of the facts: for after he had been in Sicily, and seen what the proofs actually amounted to, he charged them at somewhat less than half that sum; which gave occasion, as Plutarch intimates, to a suspicion of some corruption, or connivance in Cicero, for suffering so great an abatement of the fine: but, if there was any abatement at all, it must needs have been by the consent of all parties, out of regard, perhaps, to Verres's submission, and shortening the trouble of the prosecutors: for it is certain, that, so far from leaving any imputation of that sort upon Cicero, it highly raised the reputation both of his abilities and integrity, as of one, whom neither money would bribe, nor power terrify, from prosecuting a public oppressor; and the Sicilians ever after retained the highest sense of his services, and, on all occasions, testified the utmost zeal for his person and interests. Divin. in
Cæcil.

Cic. in
Verr. 1. 18.

Middl.
p. 88.

him the envy and ill will of the nobility ; which was so far, however, from moving him, that in open defiance of it, he declares, that the nobles were natural enemies to the virtue and industry of all new men ; and, as if they were of another race and species, could never be reconciled, or induced to favour them by any observance or good offices whatever : that for his part, therefore, like many others before him, he would pursue his own course, and make his way to the favour of the people, and the honours of the state, by his diligence and faithful services, without regarding the quarrels to which he might expose himself. That if in this trial the judges did not answer the good opinion which he had conceived of them, he was resolved to prosecute, not only those who were actually guilty of corruption, but those too who were privy to it : and if any should be so audacious as to attempt by power or artifice to influence the bench, and screen the criminal, he would call him to answer for it before the people, and shew himself more vigorous in pursuing him, than he had been even in prosecuting Verres.

In Verr. 5.
71.

Middl.
p. 117.

From the impeachment of Verres, Cicero entered upon the ædileship^d [year of Rome 684], and after the

Middl.
p. 111.
In Verr. 5.
14.

^d In one of his speeches he gives us a short account of the duty of it : “ I am now chosen ædile (says he), and am sensible of what is committed to me by the Roman people : I am to exhibit with the greatest solemnity the most sacred sports of Ceres, Liber, and Libera ; am to appease and conciliate the mother Flora to the people and city of Rome, by the celebration of the public games ; am to furnish out those ancient shows, the first which were called Roman, with all possible dignity and religion, in honour of Jupiter, Juno, and Minerva ; am to take care also of all the sacred edifices, and indeed of the whole city,” &c. The people were passionately fond of all these games and diversions ; and the public allowance for them being but small, according to the frugality of the old republic, the ædiles supplied the rest at their own cost, and were often ruined by it. For every part of the empire was ransacked for what was rare and curious, to adorn the splendour of their shows : the Forum in which they were exhibited was usually beautified with porticos, built for the purpose, and filled with the choicest statues and picture which Rome and Italy afforded. Cicero reproaches Appius for draining Greece and the islands of all their furniture of this kind, for the ornament of his ædileship : and Verres is said to have supplied his friends Hortensius and Metellus with all the fine statues of which he had plundered the provinces.

Pro Dom.
ad Pont. 43.
Asconius.
De Off. 2.
16.
Pro Muræna.
Plin. Hist.
N. 33. 3.

Several of the greatest men of Cicero's time had distinguished themselves by an extraordinary expense and magnificence in this magistracy ; Lucullus, Scæurus, Lentulus, Hortensius, and C. Antonius ; who, though expelled so lately from the senate, entertained the city this year with stage-plays, whose scenes were covered with silver ; in which he was followed afterward by Muræna ; yet J. Cæsar outdid them all ; and, in the sports exhibited for his father's funeral, made the whole furniture of the theatre of solid silver, so that wild beasts were then first seen to tread on that

usual interval of two years from the time of his being chosen ædile, he offered himself a candidate for the prætorship, but the city was in such a ferment all this summer [A. U. 686], that there was like to be no election at all: the occasion of it arose from the publication of some new laws, which were utterly disliked, and fiercely opposed by the senate. The first of them was that of Gabinius, in favour of Pompey. The consequences of this motion have been already related. Vid. supr. p. 299.

A second law was published by L. Otho, for the assignment of distinct seats in the theatres to the equestrian order, who used before to sit promiscuously with the populace.^e Middl. p. 121.

C. Cornelius also, another tribune, was pushing forward a third law, of a graver kind, to prohibit bribery in elections, by the sanction of the severest penalties: the rigour of it highly displeased the senate, whose warm opposition raised great disorders in the city; so that all other business was interrupted, the elections of magistrates adjourned, and the consuls forced to have a guard. The matter, however, was compounded, by moderating the severity of the penalties in a new law offered by the consuls, which was accepted by Cornelius, and enacted in proper form, under the title of the Calpurnian law, from the name of the consul, C. Calpurnius Piso. Cicero speaks of it still as rigorously drawn; for besides a pecu- Dio. l. 36. c. 18. Pro Muræn. 23. Middl. p. 122.

metal. Cicero observed the rule which he prescribed afterward to his son, of an expense agreeable to his circumstances, so as neither to hurt his character by a sordid illiberality, nor his fortunes by a vain ostentation of magnificence; since the one, by making a man odious, deprives him of the power of doing good; the other, by making him necessitous, puts him under the temptation of doing ill. De Off. 2. 17. Pro Muræn. 19.

^e By this law, fourteen rows of benches, next to those of the senators, were to be appropriated to their use: by which he secured to them, as Cicero says, both their dignity and their pleasure. The senate obtained the same privilege of separate seats, 127 years before, in the second consulship of Scipio Africanus, (A. U. 559.) which highly disgusted the people, and gave occasion (say Livy), as all innovations are apt to do, to much debate and censure; for many of the wiser sort condemned all such distinctions in a free city as dangerous to the public peace: and Scipio himself afterward repented, and blamed himself for suffering it. Pro Cornel. 1. Fragment. ex Asconio. [Liv. l. 34. 54.] Val. Max. 2. 4. Otho's law, we may imagine, gave still greater offence, as it was a greater affront to the people to be removed yet farther from what of all things they were fondest of, the sight of plays and shows: it was carried, however, by the authority of the tribune, and is frequently referred to by the classic writers, as an act very memorable, and what made much noise in its time. Hor. Epod. 4. 15. Juv. 3. 159.

niary fine, it rendered the guilty incapable of any public office or place in the senate. This Cornelius seems to have been a brave and honest tribune: he published another law, to prohibit any man's being absolved from the obligation of the laws except by the authority of the people; which part of the old constitution had long been usurped by the senate, who dispensed with the laws by their own decrees, and those often made clandestinely, when a few only were privy to them. The senate, being resolved not to part with so valuable a privilege, prevailed with another tribune to inhibit the publication of it when it came to be read; upon which Cornelius took the book from the clerk, and read it himself. This was irregular, and much inveighed against as a violation of the rights of the tribunate; so that Cornelius was once more forced to compound the matter by a milder law, forbidding the senate to pass any such decrees, unless when 200 senators were present. These disturbances, however, proved the occasion of an unexpected honour to Cicero, by giving him a more ample and public testimony of the people's affection; for in three different assemblies convened for the choice of prætors,^f two of which were dissolved without effect, he was declared every time the first prætor, by the suffrages of all the centuries.

Asc. Arg.
pro Corn.

Pro Leg.
Manil. 1.

Middl.
p. 124.
In Verr.
Act. 1. 8.
Pro Corn. 1.
Fragm.
Pro Rabir.
Post. 4.
Brut. 252.

Val. Max.
9. 12.
Plut. Cic.
Ad Att. 1. 4.

^f The business of the prætors was to preside and judge in all causes, especially of a public or criminal kind, where their several jurisdictions were assigned to them by lot: and it fell to Cicero to sit upon actions of extortion and rapine, brought against magistrates and governors of provinces; in which, as he tells us himself, he had acted as an accuser, sat as a judge, and presided as prætor. In this office he acquired a great reputation of integrity by the condemnation of Licinius Macer, a person of prætorian dignity and great eloquence, who would have made an eminent figure at the bar, if his abilities had not been sullied by the infamy of a vicious life. "This man (as Plutarch relates it), depending upon his interest, and the influence of Crassus, who supported him with all his power, was so confident of being acquitted, that, without waiting for sentence, he went home to dress himself; and, as if already absolved, was returning towards the court in a white gown, but being met on his way by Crassus, and informed that he was condemned by the unanimous suffrage of the bench, he took to his bed, and died immediately." The story is told differently by other writers: "That Macer was actually in the court expecting the issue; but perceiving Cicero ready to give judgment against him, sent one to let him know that he was dead, and stopping his breath at the same time with a handkerchief, instantly expired; so that Cicero did not proceed to sentence, by which Macer's estate was saved to his son Licinius Calvus," an orator afterward of the first merit and eminence. But from Cicero's own account it appears, that, after treating Macer in the trial with great candour and equity, he actually condemned him with the universal approbation of the people.

Cicero's conduct, during his prætorship,^g in the affair of the Manilian law, has been already related. Vid. supr. p. 307.

When his magistracy was just at an end, Manilius, whose tribunate expired a few days before, was accused before him of rapine and extortion; and though ten days were always allowed to the criminal to prepare for his defence, he appointed the very next day for the trial. This startled and offended the citizens, who generally favoured Manilius, and looked upon the prosecution as the effect of malice and resentment, on the part of the senate, for his law in favour of Pompey. The tribunes, therefore, called Cicero to an account before the people, for treating Manilius so roughly; who, in defence of himself, said, "That as it had been his practice to treat all criminals with humanity, so he had no design of acting otherwise by Manilius, but, on the contrary, had appointed that short day for the trial, because it was the only one of which he was master; and that it was not the part of those, who wished well to Manilius, to throw off the cause to another judge." This made a wonderful change in the minds of the audience, who, applauding his conduct, desired that he would undertake the defence of Manilius, to which he consented, and stepping up again into the rostra, laid open the source of the whole affair, with many severe reflections upon the enemies of Pompey. The trial, however, was dropped on account of the tumults^h which arose immediately after in the city, from some new incidents of much greater importance. Middl. p. 130.

Cicero, at the expiration of his prætorship, would not Plut. in Cic.

^g Though he had full employment as prætor, both in the affairs of state and public trials, yet he found time still to act the advocate, as well as the judge, and not only to hear causes in his own tribunal, but to plead them also at the tribunals of the other prætors. He now defended A. Cluentius, a Roman knight of splendid family and fortunes, accused before the prætor Q. Naso of poisoning his father-in-law, Oppianicus, who, a few years before, had been tried and banished for an attempt to poison Cluentius. The oration, which is extant, lays open a scene of such complicated villainy, by poisons, murder, incest, suborning witnesses, corrupting judges, as the poets themselves have never feigned in any one family; all contrived by the mother of Cluentius, against the life and fortunes of her son. Middl. p. 132. Pro Mu-ræn. 2. Pro Cluent.

He is supposed to have defended several other criminals this year, though the pleadings are now lost, and particularly M. Fundanius.

^h This relates to a conspiracy said to have been formed at this time against the state, of which more hereafter.

Vid. supr.
p. 233.

In Verr. 5.
70.

accept any foreign province, the usual reward of that magistracy.—The glory which he pursued was to shine in the eyes of the city. And he was now preparing to sue for the consulship, the great object of all his hopes; and his whole attention was employed how to obtain it in his proper year and without a repulse. Two years were to intervene [contrary to Sylla's law] between the prætorship and consulship; the first of which was usually spent in forming a general interest, and soliciting for it, as it were, in a private manner; the second in suing for it openly, in the proper form and habit of a candidate. The affection of the city, so signally declared for him in all the inferior steps of honour, gave him a strong presumption of success in his present pretensions to the highest: but as he had reason to apprehend a great opposition from the nobility, who looked upon the public dignities as a kind of birthright, and could not brook their being intercepted, and snatched from them by new men; so he resolved to put it out of their power to hurt him, by omitting no pains which could be required of a candidate of visiting and soliciting all the citizens in person. At the election, therefore, of the tribunes on the 16th of July [688], where the whole city was assembled in the field of Mars, he chose to make his first effort, and to mix himself with the crowd, on purpose to caress and salute them familiarly by name: and as soon as there was any vacation in the Forum, which happened usually in August, he intended to make an excursion into the Cisalpine Gaul, and, in the character of a lieutenant to Piso, the governor of it, to visit the towns and colonies of that province, which was reckoned very strong in the number of its votes, and so return to Rome in January following.

Ad Att. 1.1. He wrote about the same timeⁱ to Atticus, then at

Middl.
p. 137.

Ascon. Arg.
l. 8.

ⁱ Cicero was now engaged in the defence of C. Cornelius, who was accused and tried for practices against the state in his late tribunate, before the prætor Q. Gallius. This trial, which lasted four days, was one of the most important in which he had ever been concerned: the two consuls presided in it, and all the chiefs of the senate, Q. Catulus, L. Lucullus, Hortensius, &c. appeared as witnesses against the criminal;

Athens, to desire him to engage all that band of Pompey's dependants, who were serving under him in the Mithridatic war, and, by way of jest, bids him tell Pompey himself, that he would not take it ill of him, if he did not come in person to his election.

Cicero being now in his forty-third year, the proper age required by law, declared himself a candidate for the consulship, with six competitors; P. Sulpicius Galba, L. Sergius Catilina, C. Antonius, L. Cassius Longinus, Q. Cornificius, and C. Licinius Sacerdos. The two first were patricians; the two next, plebeians, yet noble;^k the two last, the sons of fathers who had first imported the public honours into their families: Cicero was the only new man among them, or one born of equestrian rank. Cornificius and Galba were persons of great virtue and merit; Sacerdos without any particular blemish upon him; Cassius lazy and weak, but not thought so wicked as he soon after appeared to be; Antonius and Catiline, though infamous in their lives and characters, yet by intrigue and faction had acquired a powerful interest in the city, and joined all their forces against Cicero, as their most formidable antagonist, in which they were vigorously supported by Crassus and Cæsar.

This was the state of the competition, in which the practice of bribing was carried on so openly and shamefully by Antonius and Catiline, that the senate thought

whom Cicero defended, as Quintilian says, not only with strong but shining arms, and with a force of eloquence that drew acclamations from the people. [N. B. The names of the witnesses are sufficient to make us know the real crimes of Cornelius, if we only turn back to the laws he had published when tribune, p. 389.]

He published two orations spoken in this cause, whose loss is a public detriment to the literary world, since they were reckoned among the most finished of his compositions: he himself refers to them as such; and the old critics have drawn many examples from them of that genuine eloquence, which extorts applause, and excites admiration.

C. Papius, one of the tribunes, published a law this year to oblige all strangers to quit the city, as one of his predecessors, Pennus, had done likewise many years before him: the reason which they allege for it was the confusion occasioned by the multitude and insolence of foreigners, who assumed the habit and usurped the rights of citizens: but Cicero condemns all these laws as cruel and inhospitable, and a violation of the laws of nature and humanity.

^k Many of the plebeians surpassed the patricians themselves in point of nobility: for the character of nobility was wholly deprived from the curule magistracies which any family had borne. Vid. Ascon. Arg. in Tog. Candid.

Middl.
p. 134.

Philip. 5.
17.
Middl.
p. 140.

Ascon.
Argum. in
Tog. Cand.

Orat. 67. 70.

De Off. 3.
11.

it necessary to give some check to it, by a new and more rigorous law ; but when they were proceeding to publish it, L. Mucius Orestinus, one of the tribunes, put his negative upon them.

Middl.
p. 145.

Sall. 23.

De Leg.
Agr. con.
Roll. 2. 2.
In Pison. 1.

De Leg.
Arg. ib. 1, 2.

Ad Att. 1.
6.
Ib. p. 3.

As the election of consuls approached, Cicero's interest appeared to be superior to that of all the candidates : for the nobles themselves, though always envious, and desirous to depress him, yet out of regard to the dangers which threatened the city from many quarters, and seemed ready to burst out into a flame, began to think him the only man qualified to preserve the republic, and break the cabals of the desperate, by the vigour and prudence of his administration : for, in cases of danger, as Sallust observes, pride and envy naturally subside, and yield the post of honour to virtue. The method of choosing consuls was not by an open vote, but by a kind of ballot, or little tickets of wood, distributed to the citizens, with the names of the candidates severally subscribed upon each : but in Cicero's case, the people were not content with this secret and silent way of testifying their inclinations ; but, before they came to any scrutiny, loudly and universally proclaimed Cicero the first consul ; so that, as he himself declared in his speech to them after his election, he was not chosen by the votes of particular citizens, but the common suffrage of the city ; nor declared by the voice of the crier, but of the whole Roman people. He was the only new man who had obtained this sovereign dignity, or, as he expresses it, had forced the intrenchments of the nobility for forty years past, from the first consulship of C. Marius, and the only one likewise who had ever obtained it in his proper year, or without a repulse.

Antonius was chosen his colleague, by the majority of a few centuries, above his friend and partner Catiline.

Cicero's first care after his election,¹ was to gain the

¹ Cicero's father died this year (689) on the 24th of November. In this year also, most probably, Cicero gave his daughter Tullia in marriage, at the age of thirteen, to C. Piso Frugi, a young nobleman of great hopes, and one of the best families in Rome.

good will of his colleague, and to draw him from his old engagements to the interest of the aristocratical faction [which our orator calls the republic]. To this end, he tempted him with a kind of argument that seldom fails of its effect with men of Antonius's character, the offer of power to his ambition, and of money to his pleasures: in short, a bargain was presently agreed upon between them, that Antonius should have the best of the provinces, which had been assigned to the consuls of this year.—By which address, Cicero gained him so entirely, as to have him ever after obsequious to his will.

Sall. Bell.
Cat. 26.

There was another project which he had likewise much at heart, to unite the equestrian order with the senate into one common party and interest. This body of men, next to the senators, consisted of the richest [and most knavish] citizens of Rome, who, being the constant farmers of all the revenues of the empire, had a great part of the inferior people dependant upon them. Cicero imagined, that the united weight of these two orders [*conspiratio omnium bonorum*] would always be an overbalance to any other power in the state, and a secure barrier against any attempts of the popular [whether men of inordinate ambition, or true republicans, friends of the old constitution, upon the usurped prerogatives of the senate]. He was the only man in the city capable of effecting such a coalition, being now at the head [of the senate, yet the darling of the knights, who considered him as the pride and ornament of their order; whilst he, to ingratiate himself the more with them, affected always in public to boast of that extraction, and to call himself an equestrian; and made it his special care to protect them [right or wrong, as we shall see hereafter] in all their affairs, and to advance their credit and interest; so that, as some writers tell us, it was the authority of his consulship that first dis-

In Pison. 3.
Middl.
p. 152.

In Cat. 4,
10.

Plin. Hist.
Nat. l. 33,
2.

It is certain, at least, that his son was born in this same year; for he tells us it was in the consulship of L. Julius Cæsar and C. Marcus Figulus.

Ad Att. 1,
2.

Ad Att. 2.
1.

tinguished and established them into a third order of the state. The policy was certainly very good with respect to Cicero's views, for through the year of his consulship he had the whole body of knights at his devotion, who, with Atticus at their head, constantly attended his orders, and served as a guard to his person: and if the same maxim had been pursued by all succeeding consuls, it might probably have preserved the liberty of the republic [*i. e.* the anti-constitutional usurped power of the senate] from being so soon overthrown.

Middl.
p. 153. 161.

The tribunes entered always into their office on the 10th of December; the consuls on the 1st of January. A little before Cicero's inauguration, P. Servilius Rullus, one of the new tribunes, had been alarming the senate with the promulgation of an Agrarian law. The purpose of it was, to create a decemvirate, or ten commissioners, with absolute power for five years over all the revenues of the republic; to distribute them at pleasure to the citizens; to sell and buy what lands they thought fit; to determine the rights of the present possessors; to require an account from all the generals abroad, excepting Pompey, of the spoils taken in their wars; to settle colonies wheresoever they judged proper, and particularly at Capua; and, in short, to command all the money and forces of the empire.

Contr.
Rull. 2. 37.

The publication of a law, conferring powers so excessive, gave a just alarm to all who wished well to the public tranquillity. As soon, therefore, as Cicero was invested with his new dignity, he raised the spirits of the senate, by assuring them of his resolution to oppose the law, and all its abettors, to the utmost of his power; nor suffer the senate to be hurt, or its liberties to be impaired, while the administration continued in his hands. From the senate he pursued the tribune into his own dominion, the Forum; where, in an artful and elegant speech from the rostra, he gave such a turn to the inclination of the people, that they rejected this

Agrarian law with as much eagerness as they had ever before received one.

He began, “ By acknowledging the extraordinary obligation he had received from them, in preference and opposition to the nobility ; declaring himself the creature of their power, and of all men the most engaged to promote their interests ; that they were to look upon him as the truly popular magistrate ; nay, that he had declared, even in the senate, that he would be the people’s consul.” He then fell into a commendation of the

Gracchi, whose name was extremely dear to them, pro-

Contr.
Rull. 3.

fessing, “ That he could not be against all Agrarian laws, when he recollected, that those two most excellent men, who had the greatest love for the Roman people,

Ib. 5.

had divided the public lands to the citizens ; that he was not one of those consuls, who thought it a crime to praise the Gracchi, on whose counsels, wisdom, and laws, many parts of the present government were founded : that his quarrel was to the particular law, which, instead of being popular, or adapted to the true interest of the city, was, in reality, the establishment of a tyranny, and a creation of ten kings to domineer over them all.”

Ib. 13. 14.

This he displays at large, from the natural effect of that power which was granted by it ; and proceeds to insinuate, that it was covertly levelled at their favourite Pompey, and particularly contrived to retrench and in-

Ib. 18.

sult his authority. “ Forgive me, citizens, for my calling so often upon so great a name : you yourselves imposed the task upon me, when I was prætor, to join with you in defending his dignity, as far as I was able : I have hitherto done all that I could do ; not moved to it by my private friendship for the man, nor by any hopes of honour, and of this supreme magistracy, which I obtained from you, though with his approbation, yet without his help. Since then I perceive this law to be designed, as a kind of engine, to overturn his power, I will resist the attempts of these men ; and, as I myself

Vid. supr.
p. 306, 307.

clearly see what they are aiming at, so I will take care that you also shall see, and be convinced of it too." He then shews, "how the law, though it excepted Pompey from being accountable to the decemvirate, yet excluded him from limiting one of the number, by being the choice to those who were present at Rome; that it subjected likewise to their jurisdiction the countries just conquered by him, which had always been left to the management of the general:" upon which he draws a pleasant picture of the tribune Rullus, with all his train of officers, guards, lictors, and apparitors, swaggering in Mithridates's kingdom, and ordering Pompey to attend him by a mandatory letter in the following strain:—

"P. Servilius Rullus, tribune of the people, decemvir, to Cnæus Pompey, son of Cnæus, greeting.

Contr.
Rull. 20.
23,

("He will not add the title of great, when he has been labouring to take it from him by law.)

"I require you not to fail to come presently to Sinope, and bring me a sufficient guard with you, while I sell those lands by my law, which you have gained by your valour."

He observes, "That the reason of excepting Pompey was not from any respect to him, but for fear he should not submit to the indignity of being accountable to their will: but Pompey (says he) is a man of that temper, that he thinks it his duty to bear what you please to impose; but if there be any thing which you cannot bear yourselves, he will take care that you shall not bear it long against your wills."^m He proceeds to enlarge upon

Ib. 28. 32.

"the dangers which this law threatened to their liberties: that instead of any good intended by it to the body of the citizens, its purpose was to erect a power for the oppression of them; and, on pretence of planting colonies in Italy, and the provinces, to settle their own creatures and dependants, like so many garrisons, in all the

^m Is it possible to observe the many strokes of flattery to Pompey in this speech, without feeling an utter contempt for the speaker, a patriot consul?

convenient posts of the empire, to be ready on all occasions to support their tyranny; that Capua was to be their head-quarters, their favourite colony; of all cities the proudest, as well as the most hostile and dangerous, in which the wisdom of their ancestors would not suffer the shadow of any power or magistracy to remain; yet now it was to be cherished and advanced to another Rome; that by this law the lands of Campania were to be sold or given away, the most fruitful of all Italy, the surest revenue of the republic, and their constant resource when all other rents failed them; which neither the Gracchi, who, of all men, studied the people's benefit the most, nor Sylla, who gave every thing away without scruple, durst venture to meddle with." In the conclusion he takes notice "of the great favour and approbation with which they had heard him, as a sure omen of their common peace and prosperity: and acquaints them with the concord that he had established with his colleague, as a piece of news of all other the most agreeable, and promises all security to the republic, if they would but shew the same good disposition on future occasions, which they had signified on that day; and that he would make those very men, who had been the most envious and averse to his advancement, confess, that the people had seen farther, and judged better than they, in choosing him for their consul."

Contr.
Rull. 29.

In the course of this contest, he often called upon the tribunes to come into the rostra, and debate the matter with him before the people; but they thought it more prudent to decline the challenge, and attack him rather by sedulously insinuating to the multitude, that his opposition to the law flowed from no good will to them, but an affection to Sylla's party, and to secure to them the lands which they possessed by his grant; that he was making his court by it to the seven tyrants, as they called seven of the principal senators, who were known to be the greatest favourers of Sylla's cause, and the

Ib. 2. 28. 3.
1. 2.

greatest gainers by it; the two Luculluses, Crassus, Catulus, Hortensius, Metellus, Philippus. These insinuations made so great an impression on the city, that he found it necessary to defend himself against them in a second speech to the people, in which he declared, "That he looked upon the law which ratified all Sylla's acts to be of all laws the most wicked, and the most unlike to a true law, as it established a tyranny in the city; yet, that it had some excuse from the times, and, in their present circumstances, seemed proper to be supported; especially by him, who, for this year of his consulship, professed himself the patron of peace; but that it was the height of impudence in Rullus, to charge him with obstructing their interests for the sake of Sylla's grants, when the very law which that tribune was then urging, actually established and perpetuated those grants, and shewed itself to be drawn by a son-in-law of Valgius, who possessed more lands than any other man by that invidious tenure, which were all by this law to be partly confirmed, and partly purchased of him." This he demonstrates from the express words of the law, "which he had studiously omitted (he says) to take notice of before, that he might not revive old quarrels, or move any argument of new dissension in a season so improper: that Rullus, therefore, who accused him of defending Sylla's acts, was, of all others, the most impudent defender of them: for none had ever affirmed them to be good and legal, but to have some plea only from possession, and the public quiet; but by this law the estates, that had been granted by them, were to be fixed upon a better foundation than any other estates whatsoever." He concludes, "by renewing his challenge to the tribunes to come and dispute with him to his face." But after several fruitless attempts, finding themselves wholly unable to contend with him, they were forced at last to submit, and to let the affair drop, to the great joy of the senate.

This alarm being over, another accident broke out, which might have endangered the peace of the city, if the effects of it had not been prevented by the authority of Cicero. Otho's law, mentioned above, for the assignment of separate seats for the equestrian order, had highly offended the people, who could not digest the indignity of being thrust so far back from their diversions; and while the grudge was still fresh, Otho, happening to come into the theatre, was received by the populace with a universal hiss, but by the knights with loud applause and clapping: both sides redoubled their clamour with great fierceness, and from reproaches were proceeding to blows, till Cicero, informed of the tumult, came immediately to the theatre, and calling the people out into the temple of Bellona, so tamed and stung them with the power of his words,ⁿ and made them so ashamed of their folly and perverseness, that on their return to the theatre, they turned their hisses into applauses, and vied with the knights themselves in demonstrations of their respect to Otho.

Vid. sup.
p. 389.

There happened about the same time a third instance, not less remarkable, of Cicero's great power of persuasion. Sylla had, by an express law, excluded the children of

ⁿ The speech was soon after published, though from the nature of the thing it must have been made upon the spot, and flowed extempore from the occasion; and as it was much read and admired for several ages after, as a memorable instance of Cicero's command over men's passions, so some have imagined it to be alluded to in that beautiful passage of Virgil:

Ac, veluti magno in populo quum sæpe coorta est
Seditio, sævitque animis ignobile vulgus;
Jamque faces et saxa volant; furor arma ministrat:
Tum, pietate gravem et meritis si forte virum quem
Conspexere, silent, adrectisque auribus adtant:
Ille regit dictis animos, et pectora mulcet.

VIRG. *Æn.* 1. 152.

As when sedition fires th' ignoble crowd,
And the wild rabble storms and thirsts for blood;
Of stones and brands a mingled tempest flies,
With all the sudden arms that rage supplies:
If some grave sire appears amidst the strife,
In morals strict and innocence of life,
All stand attentive, while the sage controls
Their wrath, and calms the tempest of their souls.

MR. PITT.

One topic, which Cicero touched in the speech, and the only one of which we have any hint from antiquity, was to reproach the rioters for their want of taste and good sense in making such a disturbance while Roscius was acting.

Macrob.
Sat. 2. 10.

Vell. Pat.
l. 2. c. 28.

the proscribed from the senate, and all public honours ; which was certainly an act of great violence, and the decree rather of a tyrant than the law of a free state : so that the persons injured by it, who were many, and of great families, were now making all their efforts to get it reversed. Their petition was highly equitable ; but, by Cicero and the aristocratical faction, censured as highly unreasonable, in the present disorders of the city : and why ? because, without question, the first use that they would naturally make of the recovery of their privileges, would be to revenge themselves on their oppressors. It was Cicero's business, therefore, to prevent that inconvenience, and, as far as it was possible, with the consent of the sufferers themselves ; on which occasion this great commander of the human affections, as Quintilian calls him, found means to persuade those unfortunate men, that to bear their injury was their benefit ; and that the government itself could not stand, if Sylla's laws were then repealed, on which the quiet and order of the public were established.—The three cases just mentioned make Pliny break out into a kind of rapturous admiration of the man, who could persuade the people to give up their bread, their pleasure, and their injuries,^o to the charms of his eloquence.

In Pison.
2.

^o This last mentioned effect of Cicero's eloquence must surely appear to an unprejudiced reader as incredible, as it is extraordinary. Did Cicero, to induce the petitioners to withdraw their petition, employ the same arguments which swayed him to oppose it ? Did he say to them, You had better desist from your pursuit : for should you obtain a restoration of your privileges, you would naturally make use of the grant to revenge yourselves on your oppressors ? In a speech, made several years afterward, he declared, "That he had excluded from honours a number of brave and honest young men, whom fortune had thrown into so unhappy a situation, that if they had obtained power, they would probably have employed it to the ruin of the state." Supposing this to have been Cicero's opinion, that they would have so employed their power—did he deliver this opinion to them as the reason of his opposing their request ?

Or did he tell them, That their injury was their benefit ; for that the government itself could not stand, if Sylla's iniquitous law relating to them were repealed ? Would it not have been a most intolerable impertinence (not to say impudence), after Pompey had repealed the most material and important of all Sylla's laws, without ruining the state, or doing it any real mischief, to speak of the quiet and order of the republic, as depending on the maintenance of Sylla's laws ? (many of which, besides the law relating to the tribunes, had without ceremony, or any inconvenience, been violated). Doubtless, if the petitioners were prevailed upon by words to desist a while from their pursuit, it must have been by a promise to do them justice,

Another transaction of moment in which he was engaged, a little before the last mentioned, was the defence of C. Rabirius, a senator, accused by the tribune Labienus, of treason* or rebellion, for having killed L. Saturninus, a tribune, about thirty-seven years before, who had caused a dangerous sedition in the city. The fact, if true, had been done in consequence of a decree of the senate, by which all the citizens were required to take arms in aid of the consuls C. Marius and L. Flaccus.

* Perduellio.

Vid. supr. p. 131 ad ann. 653.

It is highly probable, that to punish Rabirius was not the thing aimed at;^p (nor to vindicate the character or proceedings of Saturninus), but to attack that assumed prerogative of the senate, by which, in the case of a sudden commotion, they used to arm the city at once, by requiring the consuls to take care the republic received no detriment: which vote, it was pretended, gave a sanction to every thing that was done in consequence of it. The practice of thus investing the magistrates with so extraordinary a power commenced in the early times of the republic; and though the first instance of it was on the occasion of a great and sudden danger from a foreign enemy, the example was afterward followed in cases of domestic feuds and disturbances, but had been always complained of by the tribunes, as an infringement of the constitution, by giving to the senate an arbitrary power over the lives of the citizens, which could not legally be taken away without a hearing and judgment of the whole people: and, indeed, experience had shewed, that by such a vote the tribunes themselves, whose persons the laws had made sacred, were exposed

Vid. vol. 1. p. 416. ad ann. 289.

so soon as the present alarm, caused by the rumour of a dreadful conspiracy, should be over.

^p *Jns omne retinendæ majestatis Rabirii causa continebatur. [Cic. in Oratore.] Non enim C. Rabirium culpa delicti, non invidia vitæ, non denique veteres, justæ gravesque inimiciæ civium, in discrimen capitis vocaverunt: sed ut illud summum auxilium majestatis atque imperii, quod nobis a majoribus est traditum, de republica tolleretur; ut nihil posthac auctoritas senatus, nihil consulare imperium, nihil consensus honorum contra pestem ac perniciem civitatis valeret. Cic. pro Rab. c. 1. 2. Beck. t. 3. p. 316.*

to be cut off without sentence or trial, and even when engaged in the most laudable measures for the public good.

This point, therefore, was to be tried on the person of Rabirius. The duumviri, or two judges for this trial, according to Suetonius, were drawn by lot, and C. Julius Cæsar, who, the same author tells us, had instigated^q Labienus to begin the prosecution, happened to be one of the two: Lucius J. Cæsar was the other, according to Dio, who reports that they were both named by the prætor.^r Hortensius pleaded the cause of the accused, and proved (as Cicero affirms) by many witnesses, that Saturninus was actually killed by the hand of a slave, who for that service, obtained his freedom

^q By some passages in Cic. pro Rabir. it appears, that Labienus pretended at least to commence the prosecution; in order to revenge the death of his uncle, who was slain in company with Saturninus.

Guthrie's
transl.

In this affair there were two circumstances which deserve notice. The first is, that Saturninus, after he had surrendered himself, was killed, contrary to the will of the consul Marius, and in violation of the public faith, pledged to him by Marius. Now unless the extraordinary commission of *Dent operam*, &c. from the senate to the consuls, empowered them only to kill, not to spare, Marius was free to pledge the public faith to Saturninus; and when that had been done, it was highly criminal in any private citizen to kill him, how flagitious soever his conduct had been. It appears that Labienus had urged this in his accusation: for Cicero thus answers: "If, as you have very often affirmed, any promises of indemnity were made to Saturninus, they were made, not by Rabirius, but by Marius, and if they were broken, that breach is to be imputed to him. What promise could pass? Who could make any promise but by a resolution of the senate? Are you so much a stranger to this city? Are you so very ignorant of our government and constitution, as to be ignorant of that?" &c.

The force of this answer I shall leave to the reader's consideration.

The other circumstance (of which Cicero takes no notice) is, that Rabirius carried about, from house to house, in a triumphant and most insulting manner, the head of Saturninus: which proceeding ought naturally to make Rabirius be considered as more maliciously concerned, than any other person, in the murder. "Marius, senatûs—consulto armatus Saturninum et Glauciam in Capitolium persequutus obsedit—in deditionem accepit: nec deditis fides servata—Caput ejus [Saturnini] Rabirius quidam senator per convivia in ludibrium circumtulit." Aurel. Vict. cap. 73.

^r M. Crevier, to reconcile, as well as he can, these differing accounts, conjectures, that the two judges were drawn by lot, by a prætor.

Hist. Rom.
l. 61. p. 1.

The Jesuit Catrou writes, that though "it properly belonged to the duumviri to try the cause in the first instance, it was brought before the prætor, and Cæsar got himself nominated to be one of the prætor's assessors; but that Cicero unriddled the affair, brought the cause before the people, and got Rabirius acquitted." Now both Suetonius and Dio agree in this, that the accused brought the affair, by appeal, before the people: neither of them say that he was acquitted. Nay, Dio says, he would certainly have been condemned, if any sentence had been given; which, if true, it is hard to guess what Suetonius means by saying, that nothing was of so much service to the accused, as his trial before the people, as the forward severity of the judge who had condemned him. [Cæsar] "sorte judex in reum ductus, tam cupide condemnavit, ut ad populum provocanti nihil æque ac judicis acerbitas profuerit:" for it does not appear that any service was done him, but by the prætor, who contrived to dissolve the assembly.

from the republic. The judges, however, condemned Rabirius: whereupon he appealed from their sentence, to the people. Cicero pleaded his cause before the centuries, but was not suffered, by the prosecutor, to speak above half an hour. He opened the defence with great gravity, declaring, “That in the memory of man there had not been a cause of such importance, either undertaken by a tribune, or defended by a consul: that nothing less was meant by it, than that for the future there should be no senate or public council in the city; no consent or concurrence of the honest, against the rage and rashness of the wicked; no resource or refuge in the extreme dangers of the republic.—He wishes that he had been at liberty to confess what Hortensius indeed had proved to be false, that Saturninus, the enemy of the Roman people, was killed by the hand of Rabirius.—That he should have proclaimed and boasted of it, as an act that merited reward instead of punishment.—Here he was interrupted by the clamour of the opposite faction; but he observes it to be the faint effort of a small part of the assembly; and that the body of the people, who were silent, would never have made him consul, if they had thought him capable of being disturbed by so feeble an insult; which he advised them to drop, since it betrayed only their folly, and the inferiority of their numbers.^s—The assembly being quieted, he goes on to declare, that though Rabirius did not kill Saturninus, yet, together with the consuls, and all the best of the city, he took arms with intent to kill him, to which his honour, virtue, and duty, called him.—That to charge Rabirius with this crime, was to condemn the greatest and worthiest citizens whom Rome had ever bred; and though they were all dead, yet the

^s It would give great light to the history of these times, if we could know the dates of the publication of Cicero's speeches. We may well doubt, whether the orator was really so stout on this occasion, as he represents himself; his cajoling the multitude by such an extravagant strain of panegyric upon C. Marius [whom at other times he speaks of as the most villainous of all villains] would naturally make one disbelieve his venturing to reproach the popular faction with the inferiority of their numbers in the present assembly; and especially if (as Dio reports) they were the majority.

injury was the same, to rob them of the honour due to their names and memories.^t To this he added many oratorical flourishes concerning fame and glory and immortality, and in praise of Marius, one of the wisest, as well as bravest of the Roman heroes, whose spirit, worthy for its holiness to be worshipped, he calls to witness how much he thinks himself obliged to vindicate, and fight strenuously for the renown of all such meritorious heroes. But all this was to very little purpose, if we may believe Dio; for the people would have condemned the criminal, had not Metellus Celer, at that time augur and prætor, contrived by^u a stratagem to dissolve the assembly before they came to vote: and Labienus did not afterward revive the prosecution, though he was free to do it.^x

Middl.
p. 228.

Cicero made a new law this year to correct the abuse of a privilege, called *legatio libera*, that is, an honorary legation or embassy, granted arbitrarily by the senate to any of its members, when they travelled abroad on their private affairs, in order to give them a public character,

*Vid. supr.
p. 399
Vid. vol.
3. h. 6.
c. 10.

^t There is one particular in Cicero's speech on this occasion, in which it may, to some readers, be difficult to discern the skill of the orator. His chief purpose, as we have seen, was to maintain that assumed prerogative of the senate, whereby, whenever they pleased to think it necessary or convenient, they gave an absolute uncontrollable power to the consuls, by the vote *Dent operam*, &c. and yet, in this very oration, he makes a new* and a fine encomium on Caius Gracchus, who was murdered together with 3,000 citizens, by the consul Opimius, in consequence of the senate's exerting the said assumed prerogative.

Dio. l.
37. 42.

^u The assemblies, by centuries, were in some sense military, the people being under arms, and drawn up in line of battle. They were held in the field of Mars without the city, which might, therefore, in the early times, when Rome was weak, and had but a very small territory, be exposed to a sudden incursion of their neighbours: to obviate which danger, a guard was posted, and an ensign planted upon the Janiculum; and these continued there so long as the assembly lasted, the soldiers, who formed the guard at first, being relieved by others who had given their votes. This precaution was no longer necessary at the time of which we are speaking, but was retained through a superstitious regard to an ancient usage; and the assembly could decree nothing legally, but while the banner was seen flying. Metellus hastened to the Janiculum, and caused the ensign to be taken down, and the assembly of course broke up.

^x By the issue of this affair, as well as from the passage above cited [p. 403. note p.] of Cicero's speech, it seems reasonable to think, that no design had been formed against the life of Rabirius; and if I might be allowed to hazard a conjecture, concerning the view of the popular faction in this prosecution, I should say, it was to deter the consul and his friends, in this very time of alarm, from having recourse to the old, but dangerous expedient, of *Dent operam consules*, &c.; and if Cicero had paid more regard to the admonition, it might have been better for him and for the public tranquillity.

and a right to be treated as ambassadors, or magistrates; which, by the insolence of these great guests, was become a grievous burden upon all the states and cities through which they passed. Cicero's design was to abolish it, but being driven from that by one of the tribunes, he was content to restrain the continuance of it, which before was unlimited, to the term of one year.

De Leg. 3.
8.

It was about this time that the news came from the east, of Pompey's having happily finished the long war in that part of the world, by the taking of * Jerusalem. The honours decreed him by the senate, at the motion of Cicero, have been related;† and it is not to be doubted, that the consul, by his zeal on this occasion, attached to him more firmly than ever Pompey's friends; of whose support, in the exercise of his magistracy, he foresaw he should very soon stand in need.^y

* Vid. sup.
p. 373.

† Ib. p. 377.

And now he took the opportunity, which his consular authority gave him, of acquiring the friendship and support of^z Lucullus, whom probably he thought he might at this time oblige, without disobliging his rival, whose conquests were finished, and whose glory was complete.

^y It has been related above, that Cicero, by a promise to his colleague Antonius, of yielding to him the best of the provinces assigned to them, had engaged him not to obstruct the measures of his administration. It was the custom for the senate to appoint what particular provinces were to be distributed every year to the several magistrates, who used afterward to cast lots for them among themselves; the prætors for the prætorian, the consuls for the consular provinces. In this partition, therefore, when Macedonia, one of the most desirable governments of the empire, for command and wealth, fell to Cicero's lot, he exchanged it immediately with his colleague for Cisalpine Gaul, which he resigned afterward to Q. Metellus. Cicero, in a letter to Atticus [lib. 2. ep. 1.] mentions an oration he made to the people, on occasion of his resigning his pretensions to this province; and speaks of that oration as the sixth of his ten consular orations. ["Sexta cum provinciam in concione deposui."] The two first were against Rullus's Agrarian law. The third concerning Otho. The fourth in defence of Rabirius. The fifth concerning the children of the proscribed. The seventh, eighth, ninth, and tenth, against Catiline. It was probably, therefore, after his defence of Rabirius, that he made this resignation. At what time he cast lots with his colleague, is not said. By Caius Gracchus's law, relating to the senate's appointment of the provinces to the consuls and prætors, the senate was annually to name the provinces before the elections of the magistrates. Cic. de Prov. Cons. 2. pro Dom. 9. Sall. de Bell. Jug. 29. 47. Vid. vol. 3. b. 6. c. 10.

^z L. Lucullus cum victor a Mithridatico bello revertisset, inimicorum calumnia triennio tardius, quam debuerat, triumphavit. Nos enim consules introduximus pene in urbem currum clarissimi viri: cujus mihi consilium et auctoritas quid tum in maximis rebus profuisset, dicerem, nisi de me ipso dicendum esset. Cic. Acad. 2. c. 1.

Middl. p.
229.Plut. in
Luc.Academ.
l. 2. 1.Plut. in
Luc.Plut. in
Luc.30l. 13s.
6½d.
Ib.

Lucullus was soliciting the demand of a triumph for his victories over Mithridates; in which pursuit he had been obstructed for three years successively by the intrigues of some of the magistrates, who, by putting this affront upon him, paid their court to Pompey. By the law and custom of the republic, no general, while he was in actual command, could come within the gates of Rome, without forfeiting his commission, and consequently all pretensions to a triumph; so that Lucullus continued all this time in the suburbs, till the affair was decided. The senate favoured his suit, and were solicitors for him, but could not prevail, till Cicero's authority at last helped to introduce his triumphal car^a into the city; making him some amends by this service for the injury of the Manilian law, which had deprived him of his government. After his triumph, he entertained the whole Roman people with a sumptuous feast, and was much caressed by the nobility, as one whose authority would be a proper check to the ambition and power of Pompey; but having now obtained all the honours which he could reasonably hope for, and observing the turbulent and distracted state of the city, he withdrew himself, not long after, from public affairs, to spend the remainder of his days in a polite and splendid retreat. He was a generous patron of learning and himself eminently learned, so that his house was the constant resort of the principal scholars and wits of Greece and Rome; where he had provided a well furnished library, with porticos and galleries annexed, for

^a The pomp of this triumph was not remarkable for the quantity of spoils, or number of prisoners. The chief fruits of Lucullus's victory were in the hands of Pompey. A gold statue of Mithridates, six feet high, a shield adorned with precious stones, and abundance of gold and silver plate, together with 2,700,000 drachms in coined silver, were the most shining part of the show. But there were also written scrolls, on which were set down the sums with which Lucullus had supplied Pompey for the war with the pirates, and those he had remitted at different times to the quæstors. He had likewise given 950 drachms to each of his soldiers.

He gave a feast to the whole people, at which above 100,000 casks (containing twelve gallons each) of Greek wine were consumed. He adorned the public places and buildings with a great number of statues, but the most valuable thing which he brought from the east was the cherry-tree, unknown till then in Europe, but which grew in Pontus without cultivation.

the convenience of walks and literary conferences, at which he himself used frequently to assist; giving an example to the world of a life truly noble and elegant, if it had not been sullied by too great a tincture of Asiatic softness and epicurean luxury.

WE come now to the famed conspiracy, of which Sallust has written the history, and which is the subject of a great part of Cicero's writings. He had intimations of it, in the very beginning of his magistracy, but it did not break out till towards the end of his year.

In order to a more perfect knowledge of this part of the Roman story, it will be proper to give some account of the life and fortunes of Catiline, the contriver of the intended mischief, together with a character of the man, as formed upon a view of his conduct prior to that wicked conspiracy; and because the method taken to avert the impending evil was extraordinary, and not universally approved, and was attended with very momentous consequences, it may likewise be proper to acquaint ourselves more particularly, than we have hitherto done, with the principal persons, who, in the senate, appeared in opposition to each other on this occasion. Sallust mentions but three who made speeches, the consul Cicero, Cæsar, and Cato. Of the first a good deal has already been said; but we shall become better acquainted with him, by the following brief histories of Cæsar and Catiline till the time of the wicked conspiracy of the latter. And because the histories of these two Romans have, in some parts of them, a connexion with each other, it may be best to place them together, immediately before Sallust's account of the discovery of the plot, and give first the history of Cato to that time, which has no connexion, or very little, with either of the other, and is inserted here only to make us know the character he then bore.

MARCUS PORCIUS CATO, commonly called Cato Mi-

Plut. Cat.
Min.

Vid. supr.
p. 312.

nor, or Cato of Utica, was great grandson of Cato the censor, and descended from a son which the censor had, in his old age, by a second wife, the daughter of one of his clients. Cato of Utica had, by both father and mother's side, one sister, named Porcia. His mother, by a former marriage, had a son, whose name was Servilius Cæpio (for whom Cato's fraternal affection was not less remarkable than that of Lucullus for his brother), and several daughters, of whom the most known was the mother of Brutus.^b

It is said of Cato, that, from his infancy, he discovered by his speech, his countenance, and even his childish sports and recreations, an inflexibility of mind; for he would force himself to go through with whatever he had undertaken, though the task was ill suited to his strength: he was rough towards those that flattered him, and quite untractable^c when threatened; was rarely seen to laugh, or even to smile; not easily provoked to anger, but, if once incensed, hard to be pacified.

Plut. in
Cat.

Sylla, having had a friendship with the father of Cato, sent often for him and his brother, and talked familiarly with them. Cato, who was then about fourteen years of age, seeing the heads of great men brought thither, and observing the sighs of those that were present, asked his preceptor, "Why does nobody kill this man?"—"Because (said the other) he is feared more than he is hated." The boy replied, "Why then did you not

^b All these lived together, and were bred up in the house of Livius Drusus, their uncle by their mother, a man of weight in the government at that time.

Plut. in
Cat.

^c When Cato was a child, the Italian allies solicited for the freedom of the city; Pompedius Silo, one of the deputies, and who had contracted a friendship with Drusus, lodged at his house for several days, in which time being grown familiar with the children, he said to them, "Well, will you desire your uncle to befriend us in our business?" Cæpio smiling, seemed to consent; but Cato made no answer, only he looked steadfastly and sternly upon the stranger: "And you (said Pompedius) will not you, as well as your brother, intercede with your uncle in our behalf?" Cato seeming by his silence and by his look to reject their petition, Pompedius snatched him up, and, holding him out of the window, shook him several times, threatening to let him fall, if he would not comply: the boy remained unmoved, and, seemingly, unconcerned: whereupon Pompedius, setting him down again, said softly to his friends, "Were this child a man, I believe we should not gain one voice among the people."

give me a sword, when you brought me hither, that I might have stabbed him, and freed my country from this slavery?"

He learnt the principles of the stoic philosophy (which so well suited his character) under Antipater of Tyre, and applied himself diligently to the study of it. Eloquence he likewise studied, as a necessary means to defend the cause of justice; and he made a very considerable proficiency in that science. To increase his bodily strength, he inured himself to suffer the extremes of heat and cold; and used to make journeys on foot, and bare-headed, in all seasons. When he was sick, patience and abstinence were his only remedies: he shut himself up, and would see nobody till he was well. Though remarkably sober in the beginning of his life, making it his rule to drink but once after supper, and then retire, he insensibly contracted a habit of drinking more freely, and of sitting at table till morning. His friends endeavoured to excuse this, by saying, that the affairs of the public engrossed his attention all the day, and that, being ambitious of knowledge, he passed the night at table in the conversation of [tippling^d] philosophers. Cæsar wrote, that Cato was once found dead drunk at the corner of a street by a great number of people who were going early in the morning to the levee of some great man; and that when, by uncovering his face, they perceived who it was, they blushed for shame. "You would have thought (added Cæsar) that Cato had found them drunk, not they him." Pliny observes, that, by this reflection, Cæsar praises his enemy, at the same time that he blames him. And Seneca (his extravagant panegyrist) ventures to assert, that it is easier to prove drunkenness to be a virtue, than Cato to be vicious. He affected singularity, and, in things indifferent, to act directly contrary to the taste and fashions of the age [which some hold to be a sure mark of a flaw

Plin. Ep.
3. 12.

Sen. de
Tranq.
Vit. 15.
Plut.

^d Cato vino laxabat animum, curis publicis fatigatum. Sen. de Tranq. Vitæ, c. 15.

Sen. de
Constan.
Sap. c. 15.
Plut.

in the understanding]. Magnanimity and constancy are generally ascribed to him; and Seneca would fain make that haughtiness and contempt for others, which, in Cato, accompanied those virtues, a matter of praise. Cato, says Seneca, having received a blow in the face, neither took revenge nor was angry; he did not even pardon the affront, but denied that he had received it. His virtue raised him so high, that injury could not reach him. He is reputed to have been chaste in his youth. His first love was Lepida, but when the marriage was upon the point of being concluded, Metellus Scipio, to whom she had been promised, interfered, and the preference was given to him. This affront extremely exasperated our stoic: he was for going to law with Scipio; and when his friends had diverted him from that design, by shewing him the ridicule of it, he revenged himself by making verses upon his rival. When this first flame subsided, he married Atilia, the daughter of Serranus, had two children by her, and then divorced her for her very indiscreet conduct.

Vid. supr.
p. 274.

It has been already mentioned, that he served as a volunteer under Gellius, in the war of Spartacus, and when military rewards were offered him by the commander, refused them, because he thought he had no title to them.

Some years after, he went a legionary tribune into Macedonia, under the prætor Rubrius: in which station he appeared, in his dress and during a march, more like a private soldier than an officer; for the dignity of his manners, the elevation of his sentiments, and the superiority of his views, set him far above those, who bore the titles of generals and proconsuls. It is said, that Cato's design in all his behaviour, was to engage the soldiers to the love of virtue; whose affections he engaged thereby to himself, without having that in his intention. For the sincere love of virtue (adds Plutarch) implies an affection for the virtuous. Those who praise

the worthy without loving them, pay homage to their glory; but are neither admirers nor imitators of their virtues.

When the time of his service expired, and he was leaving the army, the soldiers were all in tears, so effectually had he gained their hearts by his condescending manners, and sharing in their labours [as Marius had used to do].

Before he returned to Rome, he resolved to make the tour of Asia (where Pompey then was, at the head of the Roman armies), not only to see that fine country, but to acquaint himself with the manners of its inhabitants, and be an eye-witness of the condition of its states and provinces. In the course of his travels, he came to Antioch, curious to see one of the finest cities of the east. When not far from it, he perceived, without the gates, a multitude of people in white habits, and, on both sides of the way, young persons and children ranged in order. He imagined, that this was intended for his reception; which displeased him: for he did not affect pomp and ceremony. He was travelling on foot, according to his constant custom, but his friends being on horseback, he ordered them to dismount, in civility to those, who, he believed, were come out with a design to do him honour. [Among them were the priests, and the magistrates of the city.] But when he was at some small distance, the person who had ranged the multitude in order, having a crown upon his head, and a staff in his hand, came forwards, and asked him, “Where he had left Demetrius [Pompey’s freedman], and whether he would soon arrive?” On that question, the friends of Cato burst out into a loud laugh; but, for himself, ever serious and austere, he went on, without answering one word to the man who had questioned him; but cried out, “Oh wretched city!”^e

Plut. in
Pomp. et
in Cat.

Vid. supr.
p. 374, in
the note.

^e Julian, the apostate, revived the reproach, several ages afterward, against the inhabitants of Antioch, when he was angry with them. Julian, Misopog.

Plut. in
Cat.

We are told, that Cato coming to make his compliments to Pompey at Ephesus [nobody knows when], that general ran to meet him, and gave him the highest praises, both when present and after he was withdrawn; but did not press his worthy guest to stay with him, as he used to do other young Romans.

Ib.

After his return home he was chosen to the quæstorship, and had scarce entered upon this charge, when he made a great reformation in the quæstor's office, and particularly with regard to the registers.

These registers, whose places were for life, and through whose hands incessantly passed the public accounts, being to act under young magistrates, unexperienced in business, assumed an air of importance; and, instead of asking orders from the quæstors, pretended to direct and govern, as if they themselves were the quæstors. Cato reduced them to their proper sphere. One of these fellows had the protection of Catulus, then censor,^f whom he engaged to go to the quæstor's office to solicit for him. As Catulus lived in friendship with Cato, and was of the same faction, he doubted not of success in his application. But the quæstor remonstrated to him, that the person, for whom he interested himself, was very criminal, having forged a will. Catulus nevertheless sued for favour, on his own account, to the guilty register. Hereupon Cato expostulated with the patriot, on his acting a part so inconsistent with his dignity and his virtue; but finding him still persist in his solicitation, said to him in a very different tone of voice, "It would be a great shame for you, Catulus, if while you are censor, and charged with the inspection of our manners, I should order my serjeants to turn you out of my office." Angry and confounded, Catulus opened

^f The other censor was Crassus. These magistrates discharged no one function belonging to their office. A dispute arose between them, in relation to the people of Gallia Transpadana, to whom Crassus, supported by Cæsar, was for granting the freedom of the city. Catulus opposed the design; and the colleagues agreed in nothing but the resolution to abdicate their office; which they actually did. Plut. in Crass. et Suet. in Cæs.

his mouth, as if to reply ; but having nothing reasonable to say, retired silent and out of countenance. However, he managed so knavishly, as to save the register from any farther punishment than the loss of his employment and salary.

One thing by which Cato extremely pleased the people was his making the assassins, to whom Sylla had given considerable rewards out of the treasury, for murdering the proscribed, disgorge their gains.

Plutarch tells us, that Cato was so exact in performing the duties of a senator, as to be always the first who came to the house, and the last who left it ; and that he never quitted Rome during those days when the senate was to sit.

Nor did he fail to be present at every assembly of the people, that he might awe those, who by an ill-judged facility, bestowed the public money in largesses, and frequently, through mere favour, granted remission of debts due to the state. At first his austerity and stiffness displeased his colleagues, but afterward they were glad to have his name to oppose to all the unjust solicitations, against which they would have found it difficult to defend themselves. Cato very readily took upon him the task of refusing.

The amount of all this seems to be, that Cato had been a stout, stubborn, ill-natured boy ; that he affected singularity when a man ; yet was capable both of friendship and of love ; was condescending to his inferiors ; a brave and hardy soldier ; a good senator ; in his principles, a stoic ; in his practice, chaste and temperate, only a little given to tippling in good company ; complexionally true and honest ; and aspiring to the character of rigid, unrelenting justice.

CAIUS JULIUS CÆSAR was born in the year of Rome 654, in the consulship of M. Antonius and A. Posthumius Albinus. The Julian family was patrician : it had

Pigh.
ad ann.
654. 676.

Plin. 7.
p. 53.

Auct. de.
Caus. Cor.
Eloq. c. 28.

Suet. in J.
Cæs. 1.

Ib.

Suet. in
Cæs. 6.

been transplanted from Alba^s to Rome by king Tullius Hostilius, and, from the beginning of the commonwealth, had been adorned with the highest dignities. Cæsar was in his sixteenth year when he lost his father, of whom all that we know is, that he had been prætor, and that he died suddenly one morning while putting on his shoes. Cæsar's mother was Aurelia, a lady of merit, and of a very noble family, though plebeian; she is much praised for the care she took of her son's education. It has been already mentioned, that, in the year 671, he was in great danger of being put to death as a Marian, being the nephew of Marius's wife Julia, and having married Cinna's daughter, whom all the tremendous power of the dictator could not induce him to repudiate. He was saved through the intercession of the friends of his family; to whom, at the same time, Sylla is said to have foretold, that the youth, for whom they interceded, would, one day, be the ruin of their party. Suetonius adds, that Sylla often admonished the optimates to be upon their guard against that loose-girded boy.

But Cæsar, though he thus escaped being murdered by the dictator, did not think it safe for him to continue in Italy; he passed into Asia,^h made his first campaigns under Minucius Thermus, distinguished himself by his courage and at the taking of Mitylene, acquired the

^s It is said that the Julii traced back their origin to Iulus the son of Æneas, and therefore, without doubt, the grandson of Venus. The first of the Julian family, who bore the surname of Cæsar, was Sex. Julius Cæsar, prætor in the year of Rome 545. It is generally thought that this surname denotes an infant, for the birth of whom it was necessary to cut open the mother's womb, "a Cæso matris utero," (Plin. 7. 9.) and that very dangerous and uncommon operation, called the Cæsarean operation, has its name from thence. According to another etymology, Cæsar signifies a child born with long hair, "a Cæsarie."

^h Suetonius, who seems to delight in expatiating on the private vices imputed to those whose lives he writes, tells us, that Cæsar incurably hurt his character by his familiarity with Nicomedes, king of Bithynia, a prince of corrupt manners, to whose court he went twice; but that this was the only blot upon him of that sort. "Pudicitiae ejus famam nihil quidem præter Nicomedis contubernium læsit, gravi tamen et perenni opprobrio, et ad omnium convicia exposito." The historian gives us many severe strokes upon him, but they are all from persons interested to dishonour him, and whose malice is evident, whether they spoke truth or not. His gallantries, mentioned by this writer, were not what would distinguish his character from those of his contemporaries; and he had Cato's testimony to his exemplary sobriety. Suet. in Cæs. 49. Wolfii.

honour of a civic crown, which was given him by his general.

From thence he went to the army of Servilius Isauricus, then commander against the pirates in Cilicia, but he did not stay long there. Upon the news of Sylla's death he returned to Rome, and was very active in obtaining an amnesty for those of the Marian party. Following the example of young persons desirous of acquiring a name, he accused of extortion Dolabella, who had been consul in the year 672, and, on his return from his government of Macedonia, had obtained the honour of a triumph. Cæsar produced a great number of witnesses against the accused, and though not twenty-three years of age, pleaded the cause in so masterly a manner, that his discourse was cited above a hundred years after his death, as not to be read without admiration. Nevertheless, Hortensius and Cotta, who were then the leading men at the bar, saved Dolabella by their eloquence; and Cæsar is said to have been mortified at his failure of success. To perfect himself in eloquence, he soon after went to Rhodes, to hear the lessons of Apollonius Molo the rhetorician, under whom Cicero had improved his talents. In his passage thither he was taken by pirates near the island of Pharmacusa, which lies opposite to the city of Miletus in Asia. To these robbers he behaved himself, though their prisoner, as if he had been their master. When they asked him twenty talents for his ransom, he laughed at them, telling them they did not know who their prisoner was, and he promised them fifty: after which he dispatched most of his attendants to the neighbouring cities, to collect that sum for him; and with only his physician, and two domestics, remained eight-and-thirty days in the power of those villains, and during all that time maintained an air of command; so that when he laid down to sleep, if they disturbed him with their noise, he sent them orders to be silent. To amuse himself, he composed verses and oratorical dis-

Vid. *supr.*
p. 248.

Anct. de
Caus. Cor.
Eloq. c. 34.

Plut. in J.
Cæs,

courses, which he afterward read to the pirates; and, if they did not admire his performances, he called them fools and barbarians: and though he made himself familiar with them and took part in their sports and exercises, yet he always sustained his dignity, and threatened them from time to time with crucifixion. The pirates were not displeased with his easy manner, and were far from taking his menaces to be serious. However, when he had paid them the sum promised, he caused himself to be conveyed to Miletus, and, having there, with wonderful activity, fitted out all the small vessels he found in that port, came by surprise upon the pirates, who were still at anchor near the island of Pharmacusa. He sunk some of their ships, and took others; and having put his prisoners into confinement at Miletus, went immediately to Junius, the proconsul of Asia, who was then in Bithynia, to ask his orders for punishing them. The proconsul, weak, avaricious, and envious of the young man's glory, answered, that he did not intend to have the prisoners executed, but to sell them. Cæsar returned to Miletus with all expedition, and by his own private authority, before any orders could come from the proconsul, caused the pirates to be crucified, as he had often threatened them he would do: only, to mitigate the punishment, he directed that their heads should be first struck off.

From thence he went to Rhodes, pursuant to his first design, but did not continue there long. Mithridates was at that time ravaging the neighbouring countries; whereupon Cæsar, that he might not appear idle and indolent, when the allies of Rome were threatened with danger, went over from Rhodes into Asia, and, having assembled some troops, drove the king's lieutenant out of the province, and thereby kept the cities, that were wavering, from a revolt.

On his return to Rome, he employed all possible methods to make himself friends, gain the multitude, and

draw all eyes upon him. He was frequently the advocate of the distressed; his manners were affable and polite, condescending to the lowest of the people; and he was magnificent in his retinue and his table. His enemies imagined, that he would soon be ruined by his expenses, and that his credit would expire with his patrimony. And indeed he was ruined as to his fortune; for before he obtained any magistracy he was 1,300 talents in debt; but his credit with the multitude had taken deep root. It seems to be agreed, that he was what is called a man of pleasure, and was much in favour with the women. In his early youth he had an intrigue with Servilia, Cato's sister the mother of Brutus; and riper years did not put an end to it.

The first office which he obtained by the suffrages of the people was that of military tribune, or tribune of the soldiers, and in that post he supported, with all his credit, those who were for restoring to the tribunes of the people all the privileges and authority, of which Sylla had deprived them.

The Marian party were much delighted with his behaviour on occasion of the funeral of his aunt Julia, the widow of Marius. He made a speech in praise of that lady in the Forum; and caused images of Marius to be carried in the funeral procession: as no such thing had been seen in public since Sylla's dictatorship, this boldness occasioned some clamours; but the people answered them with applauses, were transported with joy, and admired his courage.

At the funeral of his wife Cornelia, the daughter of Cinna, Cæsar increased the good will and affection which the people had conceived for him. It had been customary to make funeral orations upon ancient ladies: but Cæsar was the first who did that honour to a young one, his deceased wife; and for so doing was now considered as a man estimable for the goodness of his heart, as before for a thousand other shining qualities. Being

quæstorⁱ when he made these orations upon his aunt and wife, he soon after set out for Spain, to perform the business of that office, under the prætor or proconsul, Antistius Vetus.

In the year 688, Cotta and Torquatus being consuls, Cæsar was ædile. In the games and theatrical^k shows, which in this office he exhibited, according to custom, he acquitted himself with a magnificence, that surpassed every thing of that kind, which had ever been seen.

Vid. supr.
p. 388.
note d.

Suet.

To do honour to his father's memory, Cæsar, during his ædileship, entertained the people with combats of gladiators, to the number of 320 pairs; and he had provided many more, but an alarm having been spread in the city, the senate passed a decree to fix the number of gladiators, that should be allowed to fight on these occasions.

Cæsar seized the opportunity which his office of ædile gave him, to place in the Capitol, during the night, certain statues of Marius, which he had caused to be made secretly, with victories bearing trophies, and with inscriptions that celebrated the conqueror of the Cimbri. At break of day, the splendor of these statues, which were master-pieces of art, and finely gilded, drew a mighty concourse of spectators, and every body admired so bold an act, of which the author was presently known by all the world. Many considered this step as an enormous crime, the honours formerly done to Marius hav-

ⁱ By the Roman laws, the tie between a quæstor and his superior was sacred. Cæsar, faithful to this maxim, expressed his gratitude and friendship to Vetus, by shewing great kindness to his son.

It was at this time that, on seeing a statue of Alexander, he is said to have sighed, and reproached himself for having done nothing at an age, at which the Macedonian had subjected the greater part of the world. He asked his discharge, and quitted Spain before the time, animated with a passionate desire to signalize himself, and raise his fortune.

^k Among these shows there were some at the joint expense of himself and his colleague Bibulus, others which he gave at his own expense, and this occasioned the honour of the whole to be ascribed to Cæsar: whereupon Bibulus is said to have complained, in a strain of pleasantry, of his own hard fortune, saying, that the same thing had happened to him as to Pollux, to whom, conjointly with his brother, a temple was built in the Forum: and that, nevertheless, Pollux was universally forgot, the temple being never called by any other name than the temple of Castor. Suet. in Cæs.

ing been abolished by the decrees of the senate. They said, it was an essay of Cæsar's to try what the Roman people were capable of bearing, and to pave his way to the tyranny. On the other hand, the Marians, encouraged by an event so pleasing, and so little expected, came flocking from all parts, and, by their number, astonished those who had imagined that party to be almost annihilated. The Capitol in the meantime resounded with acclamations; many even melted into tears at the sight of those statues, proscribed from the time of Sylla's sovereignty; and they extolled Cæsar to the skies, as a man worthy of the honour of being allied to Marius.

The affair was laid before the senate, and it was upon this occasion that Catulus¹ said, "It is time, fathers, to take care of ourselves: for Cæsar no longer attacks the commonwealth by undermining and sapping, but by open assaults." Nevertheless, Cæsar, by his eloquence, gained the senate's approbation of what he had done.

Suetonius tells us that Cæsar having, by his splendid shows, gained the good will of the people, engaged some of the tribunes to move for a decree, by which Egypt should be assigned to him as a province;^m and that the pretence for asking this extraordinary commission was, that the Alexandrians had by violence expelled their king, whom the senate had complimented with the title of friend and ally of the Roman people.ⁿ As Egypt was

¹ Concerning this sententious patriot, vid. *supr.* p. 393, note i, and more hereafter.]

^m *Tentavit per partem tribunorum, ut sibi Ægyptus provincia plebiscito daretur.* Suet. c. 11.

ⁿ M. Crevier is of opinion, that what Cæsar wanted was a commission for reducing Egypt and the isle of Cyprus into a Roman province, and this in consequence of a will said to have been made by Alexander III. king of Egypt, who died at Tyre: by which will he left the senate and people of Rome all his right to the inheritance of the Lagides. He adds, "It is difficult to decide, whether this will was real or only pretended. Cicero mentions it in one of his orations, but without explaining himself clearly. [Cic. 2. in Rull.] Certain it is, that the senate sent deputies to Tyre, to take possession of the money deposited there by Alexander.—Cæsar was supported in his project by Crassus, then censor; but he met with opposition from Crassus's colleague, Catulus, and from several others, who maintained that there was no such will, and that it was not for the honour of the Roman people to seem greedy of the inheritance of kings."

As to the pretension of the Romans to the inheritance in question (supposing the will to be genuine), M. Crevier gives us what he thinks the most probable account.

not a province of the empire, it is hard to guess what the historian means; but, whatever the business was, Cæsar was strenuously opposed by the optimates, and did not carry his point.

Middl. p.
143.

Plut. in
Cat.
Suet. J.
Cæs. 11.

In the year 689, he was one of the assistant judges to the prætor, whose province it was to sit upon the sicarii, that is, those who were accused of killing, or carrying a dagger with intent to kill: and he concurred with the other judges in condemning by the law of assassinate, those, who in Sylla's proscription had been known to kill, or receive money for killing a proscribed citizen; which money Cato, when he was quæstor the year before, had made them refund to the treasury.

In the present year, 690, he sued for the high-priesthood, vacant by the death of Metellus Pius; a post of the first dignity in the republic. The tribune Labienus had opened his way to it, by the publication of a new law for transferring the right of electing from the college of priests to the people, agreeably to the tenor of a former law, which had been repealed by Sylla. Cæsar carried this high office, before he had yet been prætor [being only prætor elect this year], against two considerable competitors, of the first authority in Rome,

“After the death of Ptolemy Lathyrus, the Egyptians placed his daughter Cleopatra upon the throne. Sylla, then dictator, having with him Ptolemy Alexander, the son of another Alexander, Lathyrus's brother, who died before him, sent that young prince into Egypt, to reign there jointly with Cleopatra. But Alexander, at the end of nineteen days, caused Cleopatra to be murdered; for which horrible cruelty he was himself killed by the people of Alexandria. I suppose, that this Alexander left a son of the same name, who, as his father and grandfather had reigned over Egypt, had well-founded pretensions to that kingdom, especially as the legitimate posterity of Lathyrus was extinct by the death of Cleopatra. The Egyptians, however, recognised Ptolemy Auletes, the natural son of Lathyrus, for their king.

“I farther suppose, that the divisions which happened in Egypt, whilst Pompey was making war in Asia, and which occasioned the sending of embassies to that general, arose from the opposite pretensions of Alexander III. and Auletes. Pompey would not take cognizance of this difference. Ptolemy Auletes continued in possession of the throne, and Alexander, withdrawing to Tyre, died there soon after.

“Usher and Prideaux, whom M. Rollin has followed in his *Ancient History*, give us a different succession of the crown of Egypt from Lathyrus: but, from a note upon M. Prideaux's text, I think it evident, that Usher's opinion is not to be sustained. Grævius, in a note upon the first Agrarian of Cicero, mentions the third Ptolemy Alexander, of whom I speak in this place. I thought this a point necessary to be cleared up, and I know no better means of reconciling the testimonies of Porphyry, Appian, Suetonius, Plutarch, and Cicero, than the plan which I follow. This system connects all the fragments which we find upon this subject in different authors.”

Q. Catulus, and P. Servilius Isauricus; the one of whom had been censor, and then bore the title of prince of the senate; and the other had been honoured with a triumph: yet he procured more votes against them, even in their own tribes, than they both had for them out of the whole number of the citizens.

Suet. J.
Cæs. 13.
Pigh. Ann.
nal.

Hitherto all that we have learnt of Cæsar is, that he was of the first class of the nobles, a rake in his early years, and a spendthrift; but remarkably brave and intrepid, magnanimous, polite, eloquent, generous, liberal even to profusion: that with regard to the public affairs, he was of the popular party, and had the courage to make funeral panegyrics on his aunt Julia, the widow of Marius, and on his own wife Cornelia, Cinna's daughter, whom he refused to repudiate at the command of Sylla [with whose sovereign will and pleasure Pompey shewed a mean compliance, by parting with Antistia]: that, when he was ædile, he exhibited very fine and expensive shows, and replaced in the Capitol the statues of Marius (of which action he obtained the senate's approbation): that notwithstanding a law made by Sylla (as Suetonius significantly remarks), exempting from punishment the assassins, who for hire had killed the citizens by him proscribed (which assassins Cato had the year before constrained, as villains and murderers, to refund the money paid them out of the treasury, in reward of their bloody achievements), he condemned them to suffer as guilty of murder: and that, by these popular measures, and his extraordinary liberality, he became so great a favourite, as to be preferred for the high-priesthood to two eminent consulars, Catulus and Servilius.

Vid. sup.
p. 282.

It seemed proper to give this short summary, containing every thing that is well attested, and of moment, in Cæsar's character and public conduct prior to the present time, that the reader may from thence, and not from the conjectures of historians, or party-men, or from predictions made of events after the events were

past, form his judgment of the disposition of this illustrious Roman, when Cicero was consul. For it may be observed, that almost all the modern writers on this subject have endeavoured,^o in imitation of some of the an-

Vid. supr.
p. 57. note
1.

^o Some considerations have already been offered in the foregoing sheets, to shew the injustice done to the reader, and the inconvenience which may happen to the writer, by prefacing the history of a man's actions with his moral character; such as, to the writer who has considered the whole tenor of his life, he may seem, upon the whole, to have deserved. The character given by Plutarch of Marius, previous to what he relates of the life and actions of that famous Roman, furnished an instance of the injustice and inconvenience of that practice. What has been said of Cæsar, by some historians, before they relate his actions, furnishes another.

Cicero's English historian, speaking of the dedication of the Capitol by Catulus (in 684) after the rebuilding of it, writes thus:—

Middl.
p. 114.

“ On the occasion of this festival he is said to have introduced some instances of luxury, not before known in Rome, of covering the area, in which the people sat, with a purple veil, imitating the colour of the sky, and defending it from the injuries of it, and of gilding the tiles of this fabric, which were made of copper; for though the ceilings of the temples had before been sometimes gilt, yet this was the first use of gold on the outside of a building.” Catulus, however, is not supposed by this

Ib. 32.
Ib. 113.

writer to have had any unjustifiable views in his introduction of those instances of luxury. [He was not like Cæsar, “ the grand purpose of whose whole life was to oppress the liberties of his country; and who, by his prodigality, was forced to repair his own ruin by ruining the republic.] Cæsar, in the sports exhibited for his father's funeral, made the whole furniture of the theatre of solid silver: but the excess of his expense was but in proportion to the excess of his ambition; for the rest were only purchasing the consulship, he the empire.” But why are we to suppose, that Cæsar was then more criminally ambitious than Catulus? The reason, I suppose, is, “ That Catulus, being the son of that Catulus who was the ablest statesman of his time, and the chief assertor of the aristocratical interest, and condemned to die by Marius, had inherited the virtues, as well as principles, of his father.” Whether this be any great compliment to the father, the reader will judge when he has attended to the following conjecture of our author concerning the son.

Ib. 51.

Ib. 52.

“ Brutus, after sustaining the siege of Modena, surrendered himself into Pompey's hands; but being conducted, as he desired, by a guard of horse, to a certain village upon the Po [Orosius says to Rhegium], he was there killed by Pompey's orders. This act was censured as cruel and unjust, and Pompey generally blamed for killing a man of the first quality, who had surrendered himself voluntarily, and on the condition of his life: but he acted probably by the advice of Catulus, in laying hold of the pretext of Brutus's treason [so called by the conquerors] to destroy a man, who, from his rank and authority, might have been a dangerous head to the Marian party, and capable of disturbing that aristocracy which Sylla had established, and which the senate, and all the better sort, were very desirous to maintain.” To this let it be added, that Catulus was by Sylla declared to be the best man in the republic: from whence we may (not unreasonably) conclude that he was one of the worst; that he was one of that tyrant's satellites, and had a heart, if not a hand, in all his reformations and massacres: and this will account for his being the zealous friend and defender of his brother satellite, Catiline; which has created a difficulty to those who have entertained a high opinion of Catulus's virtue, without even asking themselves why; or, perhaps, because they have found that Cicero speaks well of him. Not one good action is recorded of Catulus, except his opposition to the passing of the Gabinian and Manilian laws; which opposition we shall not readily ascribe to a concern for the public weal, if we call to mind his malicious prosecution of Cornelius, on

Vid. supr.
p. 389. 392.
Hist. de
Cic. p. 90.

account of the seasonable and necessary laws proposed by that honest tribune. Of this prosecution, M. Morabin (Cicero's French historian) in his excellent work, writes thus: “ Les plus accredités d'entre les senateurs portèrent temoignage contre cet ancien tribun, et tout le peuple étoit dans une merveilleuse perplexité sur ce qui en arriveroit. De quoi s'agissoit-il au fond? Cornelius avoit lû lui-même son projet de loi; et parcequ'aucun tribun n'en avoit usé ainsi avant lui, faut peut-être de s'être trouvé dans les mêmes circonstances, il plaisoit à Hortensius, à Catulus, à Metellus Pius, à Lucullus, et à M. Æmilius Lepidus, d'en faire un crime [de léze

cients, to prepossess their readers with the most favourable opinion of Cæsar's heart and designs, before he

majesté] à ce magistrat, prétendant qu'il avoit autant qu'il étoit en lui rendu inutile la voye d'opposition. Le véritable attentat—c'étoit de leur avoir fait perdre le droit de dispenser des loix. Tant il est vrai que les plus honnêtes gens sont sujets à s'oublier lorsqu'on les attaque sur leurs intérêts.

Again, Cicero's English historian, speaking of the law proposed by Manilius in favour of Pompey, tells us, that "J. Cæsar was a zealous promoter of this law; but from a different motive than the love either of Pompey, or the republic: his design was to recommend himself by it to the people, whose favour, he foresaw, would be of more use to him than the senate's." p. 128.

And was not this the design of Cicero in his zealous defence of the Manilian law? Vid. supr. Let us hear his panegyrist. p. 306.

"He was now in the career of his fortunes, and in sight, as it were, of the consulship, the grand object of his ambition; so that his conduct was suspected to flow from an interested view of facilitating his own advancement, by paying his court to Pompey's power: but the reasons already intimated [the reasons are, the mutinous spirit in Lucullus's troops, and the loss of his authority with them, which Glabrio was still less qualified to sustain,—and Pompey's success against the pirates, and his being upon the spot with a great army], and Pompey's singular character of modesty and abstinence, joined to the superiority of his military fame, might, probably, convince him, that it was not only safe, but necessary at this time, to commit a war, which nobody else could finish, to such a general; and a power, which nobody else ought to be intrusted with, to such a man. This he himself solemnly affirms, in the conclusion of his speech: 'I call the gods to witness,' says he, 'and especially those who preside over this temple, and inspect the minds of all who administer the public affairs, that I neither do this at the desire of any one, nor to conciliate Pompey's favour, nor to procure from any man's greatness, either a support in dangers, or assistance in honours:—whatever pains I have taken in this cause, I have taken it all, I assure you, for the sake of the republic.—After so many honours received from you, and this very honour [the prætorship] which I now enjoy, I have made it my resolution, citizens, to prefer your will, the dignity of the republic, and the safety of the provinces, to all my own interests and advantages whatsoever.'" Middl. vol. 1. p. 127.

That the able historian and panegyrist of the saint, who now, probably, in the regions above, lives in the fruition of endless happiness, did not, in the present instance, believe him, notwithstanding his solemn affirmation, we may gather, I think, not only from some words in the beginning of the passage above cited, but more evidently from what he says on occasion of the saint's obtaining the consulship. Middl. vol. 2. p. 512.

"Cicero was now arrived, through the usual gradation of honours, at the highest which the people could regularly give, or an honest citizen desire.—The subordinate magistracies, therefore, being the steps only to this sovereign dignity, were not valued so much for their own sake, as for bringing the candidates still nearer to the principal object of their hopes, who, through this course of their ambition, were forced to practise all the arts of popularity; to court the little as well as the great, to espouse the principles and politics in vogue, and to apply their talents to conciliate friends, rather than to serve the public. But the consulship put an end to this subjection, and with the command of the state gave them the command of themselves: so that the only care left was, how to execute this high office with credit and dignity, and employ the power intrusted to them for the benefit and service of their country." Middl. p. 148.

"We are now, therefore, to look upon Cicero in a different light, in order to form a just idea of his character: to consider him not as an ambitious courtier, applying all his thoughts and pains to his own advancement; but as a great magistrate and statesman, administering the affairs, and directing the councils, of a mighty empire."

The extract given above, from the Observations on the Life and Writings of Cicero, furnishes a plain proof, that the candid author of that elegant piece does not believe what the orator swears, on this occasion, concerning his disinterestedness; neither does M. Crevier believe him, as the reader may see by the note in the same page.

Well—but Cicero's historian, upon the authority of Dio * [whose authority is to be of great weight when he places Cæsar in a bad light, but of no weight when he

* Lib. 6.
p. 21. Vid.
Pref. to
Middl. Life
of Cic. p.
25.

makes his appearance upon the stage in the great scenes of action.

Midd. p.
128.

speaks disadvantageously of Cicero] tells us, that Cæsar had, beside the design of recommending himself to the people, another [less manifest to the world ;] and this was, “to cast a fresh load of envy upon Pompey, which, by some accident, might be improved afterward to his hurt.” Nor was this the worst: “for his chief view was to make the precedent familiar, that whatever use Pompey might make of it, he himself might, one day, make a bad one. For this is the common effect of breaking through the barrier of the laws, by which many states have been ruined, when, from a confidence in the abilities and integrity of some eminent citizen, they invest him, on pressing occasions, with extraordinary powers, for the common benefit and defence of the society: for though power so intrusted may, in particular cases, be of singular service, and sometimes necessary” [N. B. These two words, *sometimes necessary*, seem to be thrust into the period merely for the sake of Cicero, who, during his consulship, was invested with the extraordinary powers referred to], “yet the example is always dangerous, furnishing a perpetual pretence to the ambitious and ill-designing, to grasp at every prerogative, which had been granted at any time to the virtuous, till the same power, which would save a country in good hands, oppresses it at last in bad.”

We shall hereafter see, that this is the very argument made use of by Julius Cæsar against Cicero’s dispensing with the laws, in virtue of his unconstitutional, and (in those times, when very few of the nobles were better men than Catiline himself) most dangerous powers from the senate: powers with which, in all probability, Cicero would have been very unwilling to see any man of the popular party invested, though even for the crushing of Catiline’s conspiracy. But the argument, perhaps, is of no force in the mouth of Cæsar, because he was not of the number of Cicero’s honest men.

Vid. supr.
p. 406.
note x.

What Cicero’s English historian has hazarded concerning Cæsar, when sitting as judge on the sicarii, I shall take notice of in the history of Catiline; and likewise of the suspicions entertained of Cæsar’s being engaged in Catiline’s first plot. [The concern which Cæsar had in the affair of Rabirius has been already considered.]

Crev. vol.
10. p. 265.

To endeavour to blast the character of Cæsar, as a citizen of Rome, before any mention of facts, by him committed, that really dishonour him as such, is not peculiar to Cicero’s English historian. M. Crevier having mentioned what Sylla answered to Cæsar’s friends and advocates, “In that boy I see many Mariuses,” thus proceeds: “Never was prediction more exactly verified: and it proves that Sylla had great penetration, and knew mankind extremely well.” How was this prediction verified? In what did Cæsar resemble Marius, except in military skill, courage, activity, and fortitude? Did Cæsar resemble him in cruelty and abuse of power? Cæsar, in making himself monarch of the state, was more like Sylla than Marius, but he resembled neither of them in their bad qualities. And Sylla’s second-sight seems to amount to no more than a discovery, that Cæsar had too much spirit and honour to divorce his wife, merely because such a monster as Sylla hated her as Cinna’s daughter.

Vid. supr.
p. 225.
Crev. vol.
10. p. 473.

Again: “As soon as Cæsar was informed of Sylla’s death, he returned suddenly to Rome, principally from the hope of seeing new disturbances, and to take advantage of the commotions raised by Lepidus—his inclination for that [the popular] faction manifested itself by the ardour with which he laboured to obtain an amnesty for those who had been engaged in it (and were in exile). Every thing being quiet in the commonwealth, Cæsar, who had not yet sufficient power to excite commotions in it, &c.

Ib. p. 478,
479.

“The ambitious designs he then revolved in his mind more easily escaped the penetration of the most discerning, as he was a man of pleasure, or, more properly speaking, abandoned to debauchery. People could not conceive, that he could unite so serious and so arduous a design, as that of changing the form of the commonwealth, with a life that seemed entirely engrossed by follies and voluptuousness. Cicero himself, whose penetration was so great, and who foresaw events at so great a distance [or rather was one of the most short-sighted of mankind, as will appear hereafter] was at a loss in respect to Cæsar. ‘I discovered,’ said he, ‘in all his enterprises, and his whole conduct, a plan continually pursued for raising himself to the tyranny. But when I observed how curiously and skilfully his locks were adjusted, and saw him scratching his head with one finger, it could not enter into my imagination, that such a man was capable of forming and executing the design of sub-

LUCIUS SERGIUS CATILINA,^p of an illustrious family (from which consuls, and military tribunes with consular power, had frequently been taken to govern the state), was a man of singular strength both of body and mind, but of a disposition extremely vicious. He had a head to contrive, a tongue to persuade, and a hand to execute, the hardest attempt. From his youth up, he took pleasure in civil broils, civil wars, rapine, and massacres. He was wonderfully constituted for enduring cold, hunger, and want of rest; of a spirit daring and insidious; expert in all the arts of disguise and dissimulation; greedily covetous of other men's wealth, lavish of his own; violent in his passions, eloquent enough, but not endowed with much wisdom. His boundless ambition hurried him into extravagant and romantic projects, making him aspire to things greatly beyond the reach of his abilities.

Sallust reports that Catiline, when a very young man, had been engaged in many scandalous intrigues; that he had debauched a young lady of illustrious birth, and even a vestal nun: and that at last (*postremo*, i. e. not

verting the Roman commonwealth." [N. B. Plutarch adds, "but this was not said till a long time after;" so that Cicero foretold an event after it was past.]

"It is not to be doubted, but he had that object in view from his earliest years: for we find no step of his, that does not tend thereto, and this determinately and directly." How does this appear? Why, "He always shews himself intent upon reanimating the faction of the people, reviving the Marian party, and opposing that of Sylla. The first office, which he obtained by the suffrages of the people, was the tribuneship of the soldiers; and, in that post, he supported with all his credit those, who were for restoring to the tribunes of the people all the right and authority, of which Sylla had deprived them." [And which Pompey did actually restore to them; herein doing well and wisely in the judgment of Cicero.]

"On arriving in Italy [from Spain] he seized the first occasion that offered for raising disturbances; and as he knew, that the states of Gallia Transpadana, who enjoyed only the privileges of Latium, ardently desired to obtain the freedom of Rome, he made a tour through their country, to exhort them to act, and would have made them rise and take arms, if the consuls had not kept in Italy the troops that were to have been sent against Mithridates. Thus this attempt of Cæsar's proved abortive," &c. This attempt, which has neither motive, nor consequence apparent, is imputed to Cæsar upon the authority of Suetonius alone; who speaks of some Roman colonies, without mentioning Gallia Transpadana, or any other country; and tells us, not any evil that Cæsar did, but what he would have done, if, &c.

Speaking of Labienus's prosecution of Rabirius,—"Cæsar set him to work: Vol. 11. p. 445. and being always intent upon depressing the authority of the senate, and exalting the faction of the people, made no scruple to employ the most odious means for attaining his ends."

^p Catiline was great-grandson to Marcus Sergius Silus, who distinguished himself by his bravery on many occasions, in the war of Hannibal.

Sallust. et
Cic.

long before his conspiracy) he fell in love with Aurelia Orestilla, in whom no good man ever saw any thing to commend but her beauty, and finding her indisposed to marry him, because he had a son grown to man's estate, whom she did not like for a son-in-law, he murdered him (at least it was confidently so believed) to facilitate the wicked nuptials. "And this (says the historian), in my opinion, was what hurried him to the execution of his atrocious enterprise. For his polluted soul, full of rage against both gods and men, could find no rest either waking or sleeping, so incessantly did a guilty conscience torment him." Hence his face pale, his countenance ghastly, his gait and motion unequal, now quick, then slow; in a word, his appearance was that of a man out of his senses.

Vid. Pigh.

He had probably been quæstor in the year 676, or 677, and after the expiration of his quæstorship, lieutenant to Scribonius Curio, proconsul of Macedon, A. U. 678: and he was prætor at Rome in 686.

Sallust.

At the consular election, which was held in the summer of 687, P. Autronius Pætus and P. Cornelius Sylla were declared consuls; but their election was no sooner published, than they were accused of bribery and corruption by the Calpurnian law, and being brought to trial, and found guilty before their entrance into office, their accusers and competitors, L. Manlius Torquatus and L. Aurelius Cotta, were proclaimed consuls elect. Some little time after this, Catiline, who, on the expiration of his prætorship, had obtained the province of Afric, came to Rome to sue for the consulship; but, being accused of extortion and rapine in that government, was not permitted to pursue his pretensions.⁹

Cic. pro
Cæl.

Dio. l. 36.
Vid. Pigh.
ad ann. 687.

⁹ Te vero, Catilina, consulatum sperare aut cogitare non prodigium atque portentum est? a quibus enim petis? a principibus civitatis, qui tibi cum L. Volcatius Cos. in consilio fuisset, ne petendi quidem potestatem esse voluerunt? In Tog. Cand.

Cicero's English historian imagines, that Catiline came from Afric to stand candidate at the consular election held this year. His words are "came to Rome this year to appear a candidate at the election." And M. Crevier writes, seemingly, to the same effect.—"The Africans sent deputies to Rome to complain of the oppressions and violences of their governor (Catiline), and many very severe censures

At this time Cn. Piso, a young nobleman, extremely bold, indigent, and factious, was instigated by his poverty, and depraved morals, to raise disturbances in the state: with him Catiline and Autronius entered into a combination, about the 5th of December, to assassinate the consuls Torquatus and Cotta, in the Capitol, on the 1st of January; which done, Autronius and Catiline were to seize the consulship, and send Piso with an

Sallust.

were passed upon him in the senate." ("Catilina ex prætura Africam provinciam obtinuit, quam cum graviter vexasset, legati Afri in senatu tum absente illo questi sunt, nullæque graves sententiæ in senatu de eo dictæ sunt." Ascon. in Tog. Cand.) "This, however, did not hinder him from returning to the city—when Lepidus and Volcatius were consuls (*i. e.* in 687), to stand for the consulship. But he no sooner arrived, than he was accused of extortion by Clodius.—This accusation hindered his appearing among the candidates.—The election of the consuls excited a great commotion.—P. Sylla and P. Autronius had been nominated: but two of their competitors, L. Cotta and L. Torquatus, having accused them of bribery, and proved the charge against them, they were deprived of their office, and their accusers nominated in their stead."

Father Catron, after enumerating the crimes of Catiline, writes thus:

"Such was the villain who appeared in a white robe in the presence of the people, to dispute the consulate with Torquatus and Cotta." The father does not suppose, that Catiline came to Rome time enough to be competitor with Autronius and Sylla: but arrived after they, being convicted of bribery and corruption, were declared disqualified for the office: and the father supposes, that the people went to a new election, at which Catiline would have stood candidate, but was not suffered so to do, because of the complaints brought against him from Africa, and because his trial was not over till after the *comitia*, where Torquatus and Cotta were chosen consuls: and this accords better with Sallust's account, than what is said by the two other writers: for, it is plain, from the words of the Latin historian, that the decree, which prohibited Catiline's suing for the consulship, was not till after the election of Autronius and Sylla to that magistracy, and after their disgrace. "L. Tullo, M. Lepido Coss., P. Autronius et P. Sulla, designati consules, legibus ambitus interrogati, pœnas dederant. Post paullo, Catilina, pecuniarum repetundarum reus, prohibitus erat consulatum petere; quod intra legitimos dies profiteri nequiverit." (c. 18. Hav.) And may we not understand the words "petere consulatum" to mean no more here than "ambire magistratum in toga candida?" It would seem that Catiline's coming to Rome, in 687, was not in the hope of being chosen consul at the election of that year, but to make interest and secure friends, against the consular election of the next year [688]. For, as Mr. Kennet observes, those, who aspired to that office, generally declared their pretensions about a year before the election, all which time they spent in making circuits round the city to solicit votes. And so Dr. Middleton himself, in speaking of Cicero's suing for the consulship, tells us, that "there were two years necessarily to intervene between the prætorship and consulship, the first of which was usually spent in forming a general interest, and soliciting for it, as it were, in a private manner" (that is, as he explains himself afterward, mixing with the crowd, caressing and saluting the citizens by name, when the whole city was assembled in the field of Mars): the second in suing for it openly in the proper form and habit of a candidate. And this latter seems to have been Catiline's purpose: he came at the proper time to solicit and secure friends to support him at the next consular election: which would be in 688. If he had stood candidate, and had been chosen this year, 687, there would have been but one year between his prætorship and consulship; and he could not have spent more time in solicitation, than the short interval between the condemnation of Autronius and Sylla, and the nomination of Torquatus and Cotta in their place. Add to this, that as Catiline, notwithstanding his eagerness to get the consulship, did not stand candidate at the election of 688, we may reasonably presume, that he was barred from it by the accusation brought against him of extortion and oppression in his government.

Tom. 15.

p. 557, 558.

Midd. p.

133.

army to take possession of both Spains. But their project somehow getting air, they deferred the intended assassination to the 5th of February; at which time they proposed to murder not only the consuls, but most of the senators. And if Catiline had not been so hasty as to give the signal, when not a sufficient number of his associates were yet assembled before the door of the senate-house (which frustrated the design), on that day had been perpetrated the most wicked deed that Rome had ever beheld since the foundation of the city.

Not long after this disappointment, Piso, though he had no higher office than that of quæstor, was sent into Farther Spain with the authority of prætor. He obtained the commission by the interest of Crassus, who, knowing him to be a bitter enemy of Pompey, favoured him for that reason: nor indeed was the senate backward to grant him the province; thinking it an advantage to keep so troublesome a citizen at a great distance from Rome; and besides, there were many who thought he might prove a good defence against the power of Pompey, which was become formidable. But Piso, in the way to his province, was murdered by some Spanish horse of his own army. The historian adds: "Some say, this was owing to his unjust, haughty, cruel behaviour in command, which the barbarians were not able to endure. Others pretend, that those troopers were some old trusty clients of Pompey, and that by him they were instigated to the murder."

Midd. p.
131.

† This is Sallust's account. Cicero's English historian has chosen to add some particulars out of Suetonius. "This disgrace of men, so powerful and desperate, [Autronius, Sylla, and Catiline] engaged them presently in a conspiracy against the state," in which it was resolved to kill the new consuls, with several others of the senate, and share the government among themselves: but the effect of it was prevented by some information given of the design, which was too precipitately laid for execution. Cn. Piso, an audacious, needy, factious, young nobleman, was privy to it; and, as Suetonius says, (upon the authority of a rabble of writers, Tanusius Geminus, Auctorius Naso, &c.) two more of much greater weight, M. Crassus and J. Cæsar; the first of whom was to be created dictator, the second his master of the horse. But Crassus's heart failing him, either through fear or repentance, he did not appear at the appointed time, so that Cæsar would not give the signal agreed upon, of letting his robe drop from his shoulder. The senate was particularly jealous of Piso, and hoping to cure his disaffection by making him easy in his fortunes, or to remove him, at least, from the cabals of his associates, gave him the govern-

In the consulship of L. Torquatus and L. Cotta [A. U. 688^o], Catiline was brought to a trial for his oppressions in Afric. Of his guilt nobody doubted. Cicero, in a letter written some time before the trial, says to Atticus, “If it shall be judged that at noonday it is not light, I shall certainly have Catiline for a competitor.”^t Nevertheless, the criminal had, for his advocate, even the consul Torquatus; who, though not unacquainted (if we may believe Cicero) with the rumour of his client’s having entered into a treasonable conspiracy, gave no credit to it at that time:^u nor did the illustrious advocate find any great difficulty in getting his client acquitted: for P. Clodius, the prosecutor, a young nobleman as profligate as Catiline himself, agreed for a sum of money to betray the cause, by suffering the criminal to have, in reality, the nomination of the judges.^x

And the very next year (689), when Cicero was a candidate, in form, for the consulship, Catiline, being

ment of Spain, at the instance of Crassus, who strenuously supported him as a determined enemy to Pompey. But before his setting out, Cæsar and he are said to have entered into a new and separate engagement, that the one should begin some disturbance abroad, while the other was to prepare and inflame matters at home: but this plot also was also defeated, by the unexpected death of Piso, who was assassinated by the Spaniards, as some say, for his cruelty, or, as others, by Pompey’s clients, and at the instigation of Pompey himself.

M. Crevier, though not over-favourable to Cæsar, writes thus: “I cannot readily believe that Cæsar, whose disposition was always far from cruel, could have a part in so horrid a design [the massacre of the consuls and senators]; I might say almost as much for Crassus.” Tome 11
p. 364.

Neither the authority of Suetonius, nor that of Dio, ought to be of great weight with us on this head, seeing they charge Sylla with the same confidence that they charge Autronius: yet Sylla is not once mentioned by Sallust, as either guilty, or even suspected of the present conspiracy: and, being afterward accused of it, was defended by Hortensius, and acquitted: and Cicero warmly asserts his innocence.

^s It was in the year, as Cicero tells us, that those prodigies happened, which were interpreted to portend the great dangers and plots that were now hatching against the state, and broke out two years after in Cicero’s consulship; when the turrets of the Capitol, the statues of the gods, and the brazen image of the infant Romulus sucking the wolf, were struck down by lightning. In Catil. 3. 8. Midd. p.
140.

^t Catilina, si judicatum erit meridie non lucere, certus erit competitor. Lib. 1. Ep. 1. ad Attic.

^u Quin etiam parens tuus, Torquate, consul reo de pecuniis repetundis Catilinæ fuit advocatus:—cui cum adfuit post delatam ad eum primam illam conjurationem, indicavit se audisse aliquid, non credidisse. Orat. pro Sylla 29. N. B. Torquatus, Sylla’s accuser, to whom Cicero addresses himself, was the son of that Torquatus, who, when consul, had defended Catiline.

^x A Catilina pecuniam accepit, ut turpissime prævaricaretur. De Harusp. Resp. 20.

Hoc judicio absolutus est Catilina, infamia judicium. Ut et Clodius infamis fuerit, quippe qui prævaricatus est. Nam et rejectio judicium ad arbitrium rei videbatur esse facta. Ascon. in Tog. Cand.

Midd. p.
142.
Ascon. in
Tog. Cand

then free, stood against him for the same dignity. It has been mentioned that, during that competition, in order to give a check to the open and shameful practice of bribery and corruption by Antonius and Catiline, a new and more rigorous law than any in force, was proposed, but did not pass; because the tribune Mucius Orestinus put his negative upon it. “This tribune had been Cicero’s client, and defended by him in an impeachment of plunder and robbery; but, having now sold himself to his enemies, made it the subject of all his harangues to ridicule his birth and character as unworthy of the consulship: in the debate, therefore, which arose in the senate upon the merit of his negative, Cicero, provoked to find so desperate a confederacy against him, rose up, and, after some raillery and expostulation with Mucius, made a most severe invective on the flagitious lives and practices of his two competitors, in a speech usually called, *In Toga Candida*, because it was delivered in a white gown, the proper habit of all candidates, and from which the name itself was derived.”

In this speech Cicero reproaches Catiline with all his crimes and vices, and particularly with his incestuous wickedness;^y his late plotting with Piso to cut off the chiefs of the senate;^z and his grievous oppression of the Africans:^a and he intimates to him, in a kind of menace,

^y Hanc tu habes dignitatem, qua fretus me contemnis et despicias? an eam quam reliqua vita es consecutus? cum ita vixisti ut non esset locus tam sanctus, quo non adventus tuus, etiam cum culpa nulla subesset, crimen adferret. In Tog. Cand.

Fabia virgo vestalis causam incesti dixerat, cum ei Catilina objiceretur. Eratque absoluta hæc Fabia, quia soror erat Terentiæ Ciceronis; ideo sic dixit etiam si ‘culpa nulla subesset:’ ita et suis pepercit, et nihilo levius inimico summi opprobrii turpitudinem objecit.—Ascon. in loc.

Cum deprehendebare in adulteriis; cum deprehendebas adulteros ipse; cum ex eodem stupro tibi et uxorem et filiam invenisti. In Tog. Cand.

Dicitur Catilinam adulterium commisisse cum ea, quæ ei postea socrus fuit; eo stupro duxisse uxorem cum filia ejus esset. Hæc Luceius quoque Catilinæ objecit in orationibus, quas in eum scripsit.—Ascon. in loc.

^z Prætereo illum nefarium conatum tuum et pene acerbum et luctuosum populo Romano diem, cum, Cn. Pisone socio, neque alio nemine, cædem optimatum facere voluisti. In Tog. Cand.

N. B. Cicero speaks here of this plot as a fact known; yet, in his Orat. pro Sylla, he says, it was not known at the time of Catiline’s trial, in 688, nor known at the time of his second trial when all the consulars appeared for him.

^a Te vero, Catilina, consulatum sperare aut cogitare non prodigium atque portentum est? a quibus enim petis?—a principibus civitatis? qui tibi cum L. Volcatius

that though, through the iniquity of the judges, he had been acquitted on his trial for extortion and rapine in Afric, he would be brought into judgment again; and, for his cruel murder of Marius Gratidianus^b (a man dear to the people), and others, proscribed by Sylla (crimes which he could not have the impudence to deny), would be condemned to a severer punishment than could have been inflicted on him for his male-administration in Afric, had he been convicted of it. And we find, that Catiline, in the very year when Cicero pronounced this invective, was tried for those murders before the judges who sat upon the sicarii, and who, though they condemned Bellienus, Catiline's uncle, for killing Ofella, and condemned Luscius, and other satellites of Sylla, for killing citizens by him proscribed, acquitted Catiline, than whom none was more notoriously or more odiously guilty. Asconius^c says, that this trial was after Catiline's repulse from the consulship; which indeed is sufficiently supported by Cicero's now threat-

He was killed by a centurion, according to Plutarch.

consul in consilio fuisset, ne petendi quidem potestatem esse voluerunt:—a senatoribus? qui te auctoritate sua, spoliatum ornamentis omnibus, vinctum pene Africanis oratoribus tradiderunt.

Ne se jam tum respexit, cum gravissimis vestris decretis absens notatus est.

In judiciis quanta vis esset, didicit, cum est absolutus, si aut illud iudicium, aut illa absolutio nominanda est,—diripuit socios, leges, quæstionis iudicia violavit;—quid ego ut violaveris, provinciam prædicem? nam ut te illic gesseris non audeo dicere, quoniam absolutus es. Mentitos esse equites Romanos, falsas esse tabellas honestissimæ civitatis existimo: mentitum Q. Metellum Pium, mentitam Africam; vidisse puto nescio quid illos iudices, qui te innocentem judicarunt; Oh miser! qui non sentias illo iudicio te non absolutum, verum ad aliquod severius iudicium ac majus supplicium reservatum. In Tog. Cand.

^b Quem amicum habere potest is, qui tot cives trucidavit? [consulatum petis] ab equestri ordine? quem trucidasti.

A plebe?—cui spectaculum ejusmodi tua crudelitas præbuit, ut nemo sine luctu aspicere, sine gemitu recordari possit. Ibid.

Ejusdem illius Marii Gratidiani quod caput gestarit, objicit, quo loco dicit Catilinam caput M. Marii gestasse, quod caput etiam tum plenum animæ et spiritus ad Sullam usque ab Janiculo ad ædem Apollinis manibus ipse suis detulit. Ascon. in loc.

Populum vero, cum inspectante populo collum secuit hominis maxime popularis, quanti faceret, ostendit. In Tog. Cand.

Quid tu potes in defensione tua dicere, quod illi [Luscius et Bellienus] non dixerunt? Quæ tibi dicere non licebit.—Denique illi negare potuerunt, et negaverunt: tu tibi ne inficiandi quidem impudentiæ locum reliquisti. Quare præclara dicentur iudicia tulisse, si, qui inficiantem Luscium condemnarunt, Catilinam absolverint confitentem. In Tog. Cand.

^c The same Asconius tells us, that Antonius and Catiline, in their answer to this invective, dwelt wholly on the obscurity of the orator's birth, his being a new man. Ascon. in Tog. Cand.

ening him with it as a danger to which he remained exposed.^d

But what seems here the most worthy of remark is, that the cruel murders with which Cicero, in his invective, reproaches Catiline, murders notorious, facts confessed, and which the orator has, in several parts of his writings, painted in the most shocking colours,^e are the very crimes from the punishment of which he once resolved to defend the criminal, for the sake of making him his friend; and unquestionably would have defended, had Catiline been accused in form, and brought to trial before the consular elections of 689; and provided he would have condescended to be the orator's partner and associate in canvassing for the consulship at that election. It seems very plain, that all the consulars did appear for Catiline (when brought to trial after his repulse), those senators whom Cicero calls good and honest men, and friends of the republic: it is no wonder, therefore, that he was acquitted.

In justice to the reader it ought to be here confessed, that the foregoing account of the two trials of Catiline, the one for oppressions, the other for murder, does not accord with what is said of them, by certain modern writers, who, with great reason, are much esteemed. Two letters from Cicero to Atticus, in each of which mention is made of some accusation on which Catiline was to be tried, have occasioned deal of perplexity to the commentators upon those letters, and to the trans-

^d Hujus autem criminis periculum, quod objicit Cicero, paucos post menses Catilina subiit; post effecta enim comitia consularia et Catilinæ repulsam, fecit eum rem inter sicarios L. Lucullus [Luceius] paratus eruditusque, qui postea consulatum quoque petiit. Ascon. in Tog. Cand.

^e Quintus Cicero, in his letter to his brother Marcus, De Petit. Consulatu, mentions the shocking barbarity of Catiline. Quid ego nunc dicam petere eum consulatum, qui hominem carissimum populo Rom. M. Marium, inspectante populo Rom., viti- bus per totam urbem ceciderit? ad bustum egerit [Q. Catuli], ibi omni cruciatu vivum lacerarit? Stanti collum gladio sua dextra secuerit, cum sinistra capillum ejus a vertice teneret? Caput sua manu tulerit, cum inter digitos ejus rivi sanguinis flu- erent? [Quintus adds, with regard to Catiline's general course of life] Qui postea cum histrionibus et cum gladiatoribus ita vixit, ut alteros libidinis, alteros facinoris adjutores haberet? Qui nullum in locum tam sanctum ac tam religiosum accessit, in quo non, etsi in aliis culpa non esset, tamen ex sua nequitia dedecoris suspicionem relinqueret?

lators of them, and to modern compilers of Roman history, who cannot agree concerning the date of the second of those letters, nor the time when Catiline was tried for extortion: nor is it strange, that the moderns should differ on these articles, seeing Asconius and Fenestella, contemporaries, and both living in the reign of Augustus, differ upon the question, whether Cicero did actually defend Catiline or not.

The reader will, I hope, excuse the digression, if I step a little aside to examine into these matters; which I am disposed to do, not merely for the sake of ascertaining the facts (which, alone, can hardly be thought worth the trouble), but in order to be better acquainted with Cicero, from whose writings our modern histories of his times are chiefly extracted. I shall begin with inserting such parts of the two letters as regard the business in hand.

Book I. Ep. I. CICERO TO ATTICUS.

“ I send you the best account, which conjecture enables me to give you, of the competitors I shall have for the consulship. Galba is the only man who has declared his purpose of standing,—[yet] it seems certain, that not only he, but Antonius and Cornificius will be candidates.—Some talk of Cæsonius.—Aquilus I don’t believe has any such intention. But I shall certainly have Catiline for a competitor, if the judges will declare that it is not light at noon-day.”

CICERO ATTICO SAL.

“ Petitionis nostræ, quam tibi summæ curæ esse scio, hujusmodi ratio est, quod adhuc conjectura provideri possit. Prensat unus P. Galba.—Competitores, qui certi esse videantur, Galba, et Antonius, et Q. Cornificius.—Sunt qui etiam Cæsonium putent. Aquillium non arbitramur, qui denegavit.—Catilina, si judicatum erit meridie non lucere, certus erit competitor.” Schutz, t. 1. p. 21.

Ep. II. CICERO TO ATTICUS.

“ In the consulship of Lucius Julius Cæsar and Caius Marcius Figulus. My wife is safely delivered of a son. —I formerly gave you a full account how things stood with regard to my suit for the consulship. At this time I am thinking to defend my competitor Catiline; we have judges to our mind, yet such as the accuser himself is pleased with: I hope, if he be acquitted, that he will be the more ready to serve me in our common petition; but if it fall out otherwise, I shall bear it with patience. It is of great importance to me to have you here as soon as possible: for there is a general persuasion that certain nobles of your acquaintance will be against me; and you, I know, could be of the greatest service in gaining them over. Wherefore don't fail to be here in January, as you intended.”

CICERO ATTICO SAL.

“ L. Julio Cæsare, C. Marcio Figulo Coss., filiolo me auctum scito, salva Terentia.—Ego de meis ad te rationibus scripsi antea diligenter.—Hoc tempore Catilinam, competitorem nostrum, defendere cogitabamus. Judices habemus, quos voluimus, summa accusatoris voluntate. Spero, si absolutus erit, conjunctiorum illum nobis fore in ratione petitionis: sin aliter acciderit, humaniter feremus.—Tuo adventu nobis opus est maturo; nam prorsus summa hominum est opinio, tuos familiares, nobiles homines, adversarios honori nostro fore. Ad eorum voluntatem mihi conciliandam maximo te mihi usui fore video. Quare Januario mense, ut constituisti, cura ut Romæ sis.” Schutz. t. 1. p. 31.

[L. Julio Cæsare, C. Marcio Figulo Coss.] Sous le consulat de L. Julius Cæsar, et C. Marcius Figulus. On these words M. l'Abbé de St. Real makes the following remark:—“ Il y a des difficultés extraordinaires à dater cette lettre, et les commentateurs s'y sont épuisés. Par ces consuls qui y sont nommés il semble qu'elle

soit de 689, qui est leur année. Cependant cela paroît comme impossible par le dernier article, où Cicéron exhorte Atticus à venir passer à Rome tout * le mois de Janvier : car il ne peut entendre que le Janvier de cette même année, puisque c'étoit pour l'aider à obtenir le consulat de la suivante, ce qui se devoit décider, suivant la coutume au commencement d'Août, pour le plus tard. Or quand même son fils seroit né et cette lettre écrite le premier jour de cette année 689, le tems seroit bien court pour l'envoyer en Grece, et pour faire arriver Atticus à Rome, dans le même mois. Cette consideration jointe à ce que la plupart des vieilles editions mettent Januario ineunte, au lieu de Januario mense, comme il y a dans les plus correctes des nouvelles editions, a fait croire à plusieurs commentateurs, qu'elle est de l'année precedente 688, et que Cicéron a seulement entendu en nommant les consuls qu'il y nomme, qu'ils venoient d'être élus pour l'année suivante, et non pas qu'ils fussent déjà en exercice.

* Probably, there is here an error of the press.

“ Mais puisque cette maniere de dater est si hors d'usage, que ces commentateurs n'en ont pû trouver un seul exemple, dans toute l'antiquité Romaine, pour appuyer leur opinion, il me semble qu'il y a bien moins d'inconvenient à croire que cette lettre est effectivement de l'année qu'elle marque. Car il n'est pas impossible, que Cicéron crût qu'Atticus étoit déjà en chemin quand il l'écrivoit. Peut-être aussi ne comptoit-il pas qu'Atticus pût arriver dans tout Janvier, quoiqu'il le lui écrivit pour le presser davantage. Que si la naissance d'un premier fils est un événement de nature à être daté plus particulièrement, que par l'année dans laquelle il est arrivé, en l'écrivant à son meilleur ami, n'est-il pas à presumer que Cicéron entendoit quelque jour particulier de cette même année, quoiqu'il ne l'ait point exprimé ? Que si cela est, quel jour peut-il avoir entendu naturellement, en disant seulement que son fils est né sous tels consuls, que le premier jour de leur consulat ?

comme nous entendons le premier jour de l'année en disant seulement le jour de l'an. Voilà, ce me semble, de quelle maniere on peut se hasarder raisonnablement à deviner, pour se determiner dans les difficultés de cette nature, et non pas, comme la plupart des commentateurs, par des subtilités de grammaire."

Middl. Life
of Cic. vol.
1. p. 146.

Cicero's English historian agrees with M. de St. Real concerning the year in which this letter was written.

"It is certain, that his son [Cicero's son] was born in this same year (689), as he expressly tells us, in the consulship of L. Julius Cæsar and C. Marcius Figulus. L. Julio Cæsare et C. Marcio Figulo Coss. filiolo me auctum scito salva Terentia." Ad Attic. l. 1. ep. 2.

Morabin,
Hist. de
Cic. p. 92.

And Cicero's French historian is of M. de St. Real's opinion as to the day as well as year when Cicero wrote the letter in question.—"La naissance du fils de Ciceron.—Se trouve fixée au premier jour de 689, dans une lettre que le même Ciceron écrivoit à Atticus pour le presser d'arriver incessamment, par la raison du besoin qu'il avoit de lui auprès de quelques personnes puissantes qui paroissoient vouloir le traverser dans sa demande."

Mongault's
Remarks on
Cic. Letters
to Atticus,
tome 1. p.
89.

M. Mongault, in an answer to M. de St. Real, has given reasons for adhering to the opinion of the old commentators. But, it seems, his reasons were of no weight with either of the said historians, who could not be ignorant of what he has said on this head. M. Mongault writes thus: "Cette lettre [the letter beginning with the words L. Julio Cæsare, &c.] a été écrite peu de tems après la precedente, comme M. de St. Real l'a reconnu lui-même sans y penser lorsqu'il a traduit ego de meis ad te rationibus scripsi antea diligenter, par je vous ai écrit, il n'y a guères, fort particulièrement sur ma pretention, ce qui a un rapport visible à la lettre precedente: or elle a été certainement écrite vers le dix-septieme de Juillet, donc celle-ci a dû l'être avant le premier Janvier suivant.

“ Mais voici quelque chose de plus decisif. Ciceron dit qu’il pensoit à plaider pour Catilina son competitor; or l’affaire de Catilina, dont Ciceron parle ici, fut jugée sous le consulat de Cotta et de Torquatus (688) Cæsar et Figulus n’étant encore que consuls designés.”

We see that all the four writers above cited take for granted, that the trial of Catiline, on the accusation brought against him by Clodius, for male-administration in Afric, is the trial concerning which Cicero says, in the first letter, “ If Catiline be acquitted, I shall certainly have him for a competitor;” and concerning which, he says in the second letter, “ I am thinking to defend my competitor Catiline.”

Prepossessed with this persuasion, M. de St. Real and M. Morabin, to reconcile it with the date of the second letter, L. Julio Cæsare et C. Marcio Figulo Coss. put off the trial to the year 689, when Cæsar and Figulus were actually in the consulship; contrary to the express testimony of Cicero himself, who tells us, that the consul Torquatus, with all the ornaments of his magistracy, appeared at that trial, and was Catiline’s advocate.^f

M. Mongault too, prepossessed with the persuasion, that both the letters speak of one and the same accusation (viz. that of Catiline’s male-administration in Afric), in order, I suppose, to reconcile this persuasion with Cicero’s testimony concerning the time when Catiline was tried on that accusation, will by all means have L. Julio Cæsare et C. Marcio Figulo Coss. to mean when Cæsar and Figulus were consuls elect; but he stands alone in this particular.

Cicero’s English historian, through a strange degree of inattention, has represented Cicero preparing, in 689, a defence of Catiline, in a cause which, according to the said historian’s own account, had been tried and determined the year before.^g

^f Orat. pro Sylla, 29. et pro Coel. 4.

^g See Middleton’s Life of Cicero, p. 138, compared with p. 146.

That the trial of Catiline for his male-administration in Afric was not the trial of which Cicero speaks in the second letter to Atticus, is sufficiently manifest from comparing the two letters together. In the first, Cicero says, “ Nobody but Galba has declared himself.— If Catiline should happen to be acquitted, I shall certainly have him for a competitor.” In the second, he says, “ I am thinking to defend my competitor Catiline.” The trial, therefore, referred to in the first letter, was now over, and Catiline had been acquitted; he being actually at this time one of Cicero’s competitors.

Middl. Pref.
p. 24.

If this be not satisfactory, what follows will, I imagine, remove all doubt; and may perhaps evince, that some modern historians, who treat professedly of the times in which Cicero lived, are not to be read without the same caution, which Cicero’s English historian advises us to use, in reading the Greek historians, Plutarch, Appian, and Dio, who, he says, were subject to prejudices in their relation of Roman affairs.

Ad Attic.
1. ep. 16.

Catiline was twice tried upon criminal accusations, *Catilinam*.” That his first trial was in the consulship and twice acquitted: “ *bis absolutum esse Lentulum, bis of Torquatus and Cotta, for oppressions and exactions in Africa, cannot be questioned by any body who has attended to what Cicero says in his oration for Sylla, and in that for Coelius.*

But another question arises—Whether Cicero pleaded for Catiline or not, at that trial? “ This question is not decided (says M. Mongault); Asconius maintains the negative against Fenestella;” And M. Mongault,^h in support of Asconius’s opinion, adds, “ There is no fragment remaining of Cicero’s oration, nor any citation from it: an argument in which there seems but little force; because as Cicero in his posterior speeches and letters reproached Catiline so often, and so bitterly, with

^h M. Mongault thinks it highly probable, that Cicero, if he had defended Catiline, would in his speech, in *Tog. Cand.* have reproached him with ingratitude, as he did the tribune Mucius, whom he had formerly defended, when accused of robbery.

all his crimes, it is not likely the orator would preserve and publish a speech, wherein he had employed his eloquence to defend him.

Cicero's French historian is of opinion, that Catiline having found means to bribe both his accuser and the judges, did not make application to Cicero to defend him, though the orator was well disposed to do it. He imagines, that Catiline being aware of Cicero's views, which did not coincide with his own, chose rather with money to purchase an acquittal, than owe it in any measure to a man with whom he so little agreed in sentiment.ⁱ

Cicero's English historian is positive, that Cicero did not defend Catiline, but imagines a different reason for his declining that task. He writes thus:—

“ Catiline was brought to a trial for his oppressions in Afric: he had been soliciting Cicero to undertake his defence; who at one time was much inclined, or determined rather, to do it, for the sake of obliging the nobles, especially Cæsar and Crassus, or of making Catiline at least his friend, as he signifies in a letter to Atticus: ‘ I design (says he) at present to defend my competitor Catiline, we have judges to our mind, and yet such as the accuser himself is pleased with: I hope, if he be acquitted, that he will be more ready to serve me in our common petition; but if it fall out otherwise, I shall bear it with patience.’ But Cicero changed his mind, and did not defend him; upon a nearer view,

Midd. p.
139.

Ad Attic. IV
1. 2.

ⁱ Catilina, qui quoiqu'accusé de concussion et par conséquent exclus de droit de toutes les charges, lui paroissoit le pretendant le plus formidable. En effet l'argent qu'il distribua à P. Clodius Pulcher son accusateur et à ses juges eux-mêmes leva dans le tems cet obstacle, et il ne fut point obligé de recourir à Cicéron, qui s'étoit attendu à le defendre et qui en avoit au moins en la volonté. Il s'étoit flatté qu'en se le conciliant par ce bon office ils s'entendroient mieux dans leur poursuite commune, et que Catilina le préféreroit, à tout autre pour son collègue: en cela je n'ai garde de vouloir justifier Cicéron; sur tout après avoir appris de lui que Catilina étoit si manifestement coupable, qu'on auroit aussi-tôt nié qu'il fût jour en plein midi, que de detruire les preuves de son crime.

Catilina pressentit ses vues: et comme elles ne quadroient en rien avec les siennes, il aima mieux acheter son absolution à prix d'argent, que de s'engager à des retours, s'il arrivoit qu'il la dût à l'eloquence d'un homme avec qui il sympathisoit si peu. Morabin. Hist. de Cic. p. 91.

perhaps, of his designs and traitorous practices; to which he seems to allude, when, describing the art and dissimulation of Catiline, he declares, that he himself was once almost deceived by him, so as to take him for a good citizen, a lover of honest men, a firm and faithful friend, &c. But it is not strange, that a candidate for the consulship, in the career of his ambition, should think of defending a man of the first rank and interest in the city, when all the consular senators, and even the consul himself, Torquatus, appeared with him at the trial, and gave testimony in his favour; whom Cicero excused, when they were afterward reproached with it, by observing, that they had no notion of his treasons, nor suspicion at that time of his conspiracy; but out of mere humanity and compassion defended a friend in distress, and in that crisis of his danger overlooked the infamy of his life.

Pro Syll.
29.

Vid. infr.
444.

Orat. in
Tog. Cand.

“His prosecutor was P. Clodius, a young nobleman as profligate as himself; so that it was not difficult to make up matters with such an accuser, who for a sum of money agreed to betray the cause, and suffer him to escape: which gave occasion to what Cicero said afterward in a speech against him in the senate, while they were suing together for the consulship: ‘Wretch! not to see that thou art not acquitted, but reserved to a severer trial and heavier punishment.’”

There are, to my apprehension, not a few infirmities in this passage of the celebrated historian’s work. For,

1. The second letter to Atticus, to which reference is made, says not a word of Cæsar, or of Crassus, or of Cicero’s being determined to defend Catiline, for the sake of obliging the nobles, but for the sake only of making Catiline his friend.

2. In the next place, the historian cites the authority of Asconius, for saying that Cicero did not defend Catiline; yet Asconius delivers that only as his opinion, in opposition to the assertion of Fenestella, and gives rea-

sons which are of very little weight. By the way, it should be remembered, that the question upon which Asconius and Fenestella differ is, whether Cicero defended Catiline at his trial in 688, for extortion? Nobody supposes that Cicero, after making that invective called *Orat. in Toga Candida*, and after Catiline's repulse from the consulship in 689, did actually defend him at his trial for murder; though this was most certainly the trial at which Cicero once purposed to defend him; it being apprehended, at the time when Cicero wrote the second letter to Atticus, that Catiline would, before the consular elections of that year 689, be brought into judgment on the accusation of killing the proscribed.

3. The historian thinks it not improbable, that Cicero's change of mind proceeded from his having (in 688) a nearer view of Catiline's designs and traitorous practices; whereas we shall presently see, that, in the latter part of the year 689, those traitorous practices were (according to Cicero), an absolute secret to the consulars, who all appeared for him at the trial which he then underwent.

4. The historian relates, as if it were a thing not only credible, but certainly true, that Cicero, who speaks so often of the notoriety of Catiline's many and most atrocious crimes anterior to his conspiracy, and has represented his whole life as an uninterrupted series of uncommon wickedness, took him, nevertheless, or, at least, was once almost deceived by him, so as to take him for a good citizen, a lover of honest men, a firm and faithful friend.

5. There is no evidence, that all the consular senators appeared (as the historian pretends), for Catiline in 688, at his trial for oppressions and rapine: but we learn from a passage, in *Orat. pro Sylla*, that all the consulars did appear for Catiline at a posterior trial which he underwent. And when Cicero, in his speech, in C. 29.

Vid. supra,
p. 442.

Vid. supra,
p. 433,
note b.

Tog. Cand, said to him, “Wretch! not to see that thou art not acquitted, but reserved only to a severer trial, and heavier punishment,” it is not more plain, that this menacing prediction related to a trial, which he had still to undergo, than it is, that this future trial would be for having killed some of the proscribed, and particularly Marius Gratidianus; a fact which Catiline could not have the impudence to deny.

From the passage in Cicero’s speech for P. Sylla, to which I here refer, and which will presently be given at length, it is very evident that Torquatus, the prosecutor, apprehensive lest the advocacy of Cicero, and the patronage of the consulars, who had all been zealous in the measures taken to crush Catiline, might be considered as a presumptive proof of Sylla’s being entirely innocent of Catiline’s conspiracy, had, therefore, reminded the judges of the appearing of all the consulars for Catiline himself, when brought into judgment upon a criminal accusation.—“Yes (answers Cicero), it is very true, they did appear for him: and your father, when consul, was Catiline’s advocate, at his trial for oppressions and rapine; but your father was then ignorant of his traitorous plots: nor did your father afterward, when he had received some intimation of those plots, appear for him at his second trial, though all the other consulars did; they being then as ignorant of his treasonable practices, as your father was at the time of the first trial. But when those men,^k who had been really accomplices of Catiline in the conspiracy were brought into judgment for it, none of the consulars appeared for them, or gave them the smallest assistance.” And the orator seems, on this occasion, to intimate, that treasons against the senate was the only crime, from the punishment of which a man might not honourably defend the guilty:

^k Those of the conspirators, who, after Catiline’s defeat and death, were tried in form, found guilty and punished.

P. Sylla was, at the same time, accused by the younger Torquatus, and defended by Cicero.

[yet he had formerly censured Hortensius with some severity for defending Verres.] Vid. supr. p. 288.

Accusati sunt uno nomine consulares.—Affuerunt, inquit, Catilinæ, illumque laudarunt. Nulla tum patebat, nulla erat cognita conjuratio: defendebant amicum, aderant supplici, vitæ ejus turpitudinem in summis ejus periculis non insequabantur. Quin etiam parens tuus, Torquate, consul, reo de pecuniis repetundis Catilinæ fuit advocatus:—At idem non adfuit alio in judicio, cum adessent cæteri. Si postea cognorat ipse aliquid, quod in consulatu ignorasset: ignoscendum est iis, qui postea nihil audierunt: sin illa res prima valuit; non inveterata, quam recens, debuit esse gravior. Sed, si tuus parens etiam in illa suspicione periculi sui, tamen humanitate adductus advocationem hominis improbissimi sella curuli atque ornamentis et suis et consulatus honestavit; quid est, quamobrem consulares, qui Catilinæ adfuerunt, reprehendantur?—At iidem iis, qui ante hunc [Syllam] causam de conjuratione dixerunt, non adfuerunt.—Tanto scelere adstrictis hominibus, statuerunt, nihil a se adjumenti, nihil opis, nihil auxilii ferri oportere. Orat. pro Sylla, 29. Beck, t. 4. p. 174.

Lege Plautia de Vi interrogati. Vid. Cic. pro Cœl. 29.

M. Crevier, being fully persuaded, I suppose, that the second letter to Atticus was written in the consulship of L. Cæsar and C. Figulus [A. U. 689], and therefore, that Cicero's determination, there mentioned, to defend Catiline, could not relate to his trial for oppressions, which was over, writes thus:—

“Cicero the year before, when he was preparing to stand this year (689) for the consulship, had said, upon seeing Catiline accused of extortion, ‘we shall certainly have him for a competitor, if it be judged that it is not light at noon-day.’ Catiline was tried and acquitted; and being afterward accused either of incestuous commerce with the vestal Fabia,¹ or of the murder of the

Tome 11. p. 409.

¹ “For the incest, which Catiline committed with the vestal Fabia, a criminal prosecution, in form, (says M. Crevier, tom. 9. p. 361.) was commenced against him.

proscribed, applied himself to Cicero, to be his defender. It is not certainly known, whether Cicero pleaded so bad a cause; but it is certain, that he was not averse to the undertaking, and that he reasoned thus. ‘ Either I shall get him acquitted, in which case I may count upon his hearty concurrence with me in our common suit for the consulship; or he will be condemned, and in that case I shall not be entirely disconsolate.’ ”

Now if Cicero defended, or designed to defend Catiline, in a trial which he underwent in the year 689, it could be no other than that for killing the proscribed; for it does not appear that he was ever tried upon the affair of the vestal.

“ Catiline (says Cicero’s English historian) was suspected also at the same time [in 689] of another heinous and capital crime, an incestuous commerce with Fabia, one of the vestal virgins, and sister to Cicero’s wife. This was charged upon him so loudly by common fame, and gave such scandal to the city, that Fabia was brought to a trial for it; but, either through her innocence, or the authority of her brother Cicero, she was readily acquitted: which gave occasion to Cicero to say among other reproaches on his flagitious life, that there was no place so sacred, whither his very visits did not carry pollution, and leave the imputation of guilt, where there was no real crime subsisting.”

But Fabia was Cicero’s wife’s sister, and Catiline was protected by Catulus. Favour prevailed, and the criminals were acquitted. It will perhaps appear surprising, that Catulus, a man of worth, and a good citizen, should interest himself for Catiline.”

[N. B. It is the character here given of Catulus, which being supposed his due, occasions the surprise at his appearing in favour of Catiline; but the wonder ceases at once, when we call to mind that Catulus was one of Sylla’s creatures, and a brother satellite of Catiline, and his zealous defender, when tried for the murder of the proscribed; by the confiscation of whose estates, Catulus, Hortensius, Metellus Pius, and the rest of the murderous crew, were become rich.] M. Crevier, for the fact of Catiline’s being tried for the affair of the vestal, cites Ascon. in Or. Cic. in Toga Cand. and Orosius, l. 6. c. 3. But Asconius does not say it, but seems rather to intimate, that Fabia only was tried. Vid. supr. p. 432 note 7. What Orosius says, is this: “ Eodem anno [683] apud Romam Catilina incesti accusatus, quod cum Fabia virgine vestali commisisse arguebatur, Catuli gratia fultus evasit.” Without debating whether these words of Orosius (from which, if what the writer says be true, it would follow that Catiline underwent three trials in all), be of any force against Cicero’s *his absolutum Catilinam*, I shall only observe, that the time, in which Orosius places this trial, proves that it could not be the same trial at which Cicero, in the second letter to Atticus, declares his design to defend the criminal.

Though the learned historian speaks here of the affair of the vestal as in the year 689, [Catiline was also suspected at the same time, &c.] yet, according to Orosius, the only writer (and he was of the fifth century) who reports that Catiline was tried on that accusation, the trial was about the year 683: and, according to Sallust, who is our best authority, the incest was committed when Catiline was a young man, or, at most, not old enough to stand for the consulship: he was *adolescens*.

Nor is it credible that Cicero would threaten Catiline with a trial for that crime, of which the orator believed, or pretended, at least, to believe him innocent.

It may fairly be concluded, therefore, that the cause in question was the impeachment of Catiline for killing some of the proscribed; and that at this trial Catulus, and all the other worthy consulars, with whom Catiline lived in strict friendship, appeared in his defence, gave him an excellent character [*illum laudarunt*], and got him acquitted. Catulus indeed was particularly interested in this affair, on account of the great honour which, by one of the murders in question, had been done to his father; to whose manes, and at whose tomb, Marius Gratidianus was, by Catiline, most devoutly and most bloodily sacrificed.

And now, that I may pursue the purpose of this digression, does it not indicate an extreme and most unreasonable prejudice against Cæsar, to impute, without any hesitation, to him principally the acquittal of Catiline, and give this acquittal as one proof, among many (equally cogent), of Cæsar's pernicious designs against his country?

For thus proceeds Cicero's English historian, after mentioning Cæsar's being one of the assistant judges to the prætor who was to sit upon the sicarii:—"This gave him an opportunity of citing before him as criminals, and condemning by the law of assassinate, all those, who

in Sylla's proscription had been known to kill, or receive money for killing, a proscribed citizen; which money Cato also, when he was quæstor the year before, had made them refund to the treasury. Cæsar's view was [not to execute justice upon those murderers, whom Cato had in effect already condemned as murderers, but] to mortify the senate, and ingratiate himself with the people, by reviving the Marian cause, which had always been popular, and of which he was naturally the head, on account of his near relation to old Marius. For which purpose he had the hardiness likewise [when ædile in 688] to replace in the Capitol those trophies and statues of Marius, which Sylla had ordered to be thrown down and broken to pieces. But while he was prosecuting with such severity the agents of Sylla's cruelty, he not only spared, but favoured Catiline, who was one of the most cruel in spilling the blood of the proscribed; having butchered with his own hands, and in a manner the most brutal, C. Marius Gratidianus, a favourite of the people, nearly related both to Marius and Cicero: whose head he carried in triumph through the streets to make a present of it to Sylla. But Cæsar's zeal provoked L. Paullus^m [L. Luceius] to bring Catiline also under the lash of the same law, and to accuse him in form, after his repulse from the consulship [consequently after Midsummer, 689], of the murder of many citizens in Sylla's proscriptions, of which, though he was notoriously guilty, yet, contrary to all expectation, he was acquitted." *Bis absolutum Catilinam*, Ad Att. 1. 16. Sallust. 31. Dio. l. 36. p. 34.]

^m L. Paullus was not the accuser of Catiline in this cause, nor in this year 689; but towards the end of the year 690, upon the Plautian law of treason: and no trial ensued. See Sallust.—Asconius writes thus: "Catilina est absolutus quem post repulsam in petitione conlatûs L. Lucullus, qui postea quoque eundem honorem petiit, lege de sicariis postulaverat." On which words Freinshemius makes the following comment: "Haud facile est statuere, quis sit hic Lucullus. Asconius, ex quo hæc desumpta sunt, paulo post mentionem facit orationum Luceii in Catilinam. Hinc nobis verisimile videtur hic legendum esse Luceius, pro L. Lucullus. Pulere enim omnia conveniunt. Hic accusator Catilinæ dicitur ab Asconio fuisse paratus eruditusque: Luceii eruditio nota est ex epistolis ad eum Ciceronis. Idem qui Catilinam nunc accusat, consulatum postea petiit nec consecutus est. Luceius consulatum cum Cæsare et Bibulo frustra petiit."

M. Crevier is not so positive, as to Cæsar's partiality in this affair; he ventures no farther than conjecture.

“The severity with which Cato had made the murderers of the proscribed refund the money they had received out of the treasury, cleared the way for Cæsar's condemnation of them as guilty of murder. It is perhaps the only public affair, wherein Cato and Cæsar were of one mind. Cæsar, on the expiration of his ædileship, accepted a commission for trying homicides. He was then what the Romans called *judex quæstionis*; that is, a commissioner appointed to preside in the place of a prætor, at the trial of causes within a certain jurisdiction. He probably contrived to get this employment, in order to bring into judgment, and to punish, as murderers, those who had killed the proscribed, though they were excepted by name in Sylla's laws. They had been already condemned, in some manner, by Cato; and when they were brought before Cæsar's tribunal, the people had the satisfaction of seeing them punished for those very crimes which they had before been rewarded for perpetrating. The catastrophe of those villains was matter of public rejoicing. Among the condemned was a centurion, called L. Lucius, whom Sylla's victory had so enriched, that he was at this time worth 10,000,000 of sesterces. Bellienus, Catiline's uncle, who had killed Lucretius Ofella, was also condemned. But Catiline, the most criminal of them all, was, upon trial, acquitted. History does not tell us the reason of this inequality in the sentences of the judges, where the causes were so similar. We may conjecture, that Cæsar was too much Catiline's friend, to be willing to destroy him. In consequence of this acquittal, Catiline, loaded with crimes, a conspirator against the state, thrice brought into judgment upon heavy accusations, and as often acquitted (without ceasing to be thought criminal) was now [in 689] in a condition to stand for the consulship.”

The reader may observe, that Catiline is almost as

troublesome to the commentators in their way, as he was to Cicero in his way.

M. de St. Real, and M. Morabin, to get rid of their difficulties, have contradicted Cicero in relation to the time when Catiline was tried for extortion.

M. Mongault has been constrained to make L. Cæsare, C. Figulo Coss. mean the year when Cæsar and Figulus were consuls elect: and, with regard to the time,ⁿ when Catiline was tried for killing the proscribed, to contradict every writer, ancient and modern, who has mentioned that trial.

Vid. supr.
p. 439.

Cicero's English historian, as I observed before, has, through inattention, fallen into an absurdity like that of "Yesterday we shall go into the country."

M. Crevier, though avoiding the mistakes of the other four, has, contrary to the testimony of Asconius, and the evidence of Cicero's own words, in his invective in *Toga Candida*, represented the trial of Catiline for murder, as prior to his repulse from the consulship, and prior to that invective. And he speaks of Catiline as having been thrice tried and acquitted before his standing for the consulship, whereas in fact he had been but once brought into judgment; which was for male-administration in Afric.

Vid. supr.
p. 445.

And when M. Crevier says, "History does not tell us the reason why the judgments of the court were so unlike, when the causes were so similar," it is plain, that he has overlooked what Cicero himself (M. Crevier's principal historian for these times) confesses, that all the consular senators (except Torquatus) appeared for Cati-

ⁿ Upon the words "bis absolutum esse Lentulum, bis Catilinam," in Cicero's sixteenth letter to Atticus, (lib. 1.) written in 692, M. Mongault makes the following remark:—

"Que Lentulus et Catilina avoient été absous chacun deux fois.—Catilina avoit été mis en justice la premiere fois pour avoir fait mourir inhumainement du tems de Sylla Marius Gratidignus, cousin germain du pere de Cicéron, et qui avoit été adopté par le grand Marius; et il fut accusé depuis de concussion, comme on a vu dans les lettres 10. et 11. de ce livre, Catilina avoit encore été accusé d'avoir eu commerce avec une vestale; mais Cicéron ne parle point de cette accusation, parceque cette vestale étoit sœur de sa femme, et qu'il suppose qu'elle avoit été accusée sans fondement."

line at his trial, posterior to that for oppressions, consequently his trial for murdering the proscribed.

Orat. pro
Sylla, 29.

With regard to this trial of Catiline for murder, I farther observe, that though his acquittal be imputed, by some modern writers, to Cæsar, as if he were the sole judge at the trial, yet it is evident, that more judges than one sat upon the cause, and it is not clear, that Cæsar was of the number. “We have,” says Cicero (who then purposed to be Catiline’s advocate), “judges to our mind, yet such as the accuser himself is perfectly content with.—*Judices habemus quos volumus, summa accusatoris voluntate.*” And if Luceius, Cicero’s particular friend^o and great admirer, was the accuser (which seems highly probable), have we not good ground to suspect that the whole transaction was collusive? After Cato had forced the assassins to refund the pecuniary rewards of their villanies, and after Cæsar had set on foot prosecutions against them as murderers, it was hardly possible for Catiline to avoid a trial. The business, therefore, of the optimates, the intimate friends of Catiline, was to provide a prosecutor, and an advocate, and judges, through whose prevarication, eloquence, and iniquity, he might be sure to escape; especially as the most eminent patriots, the consulars, the chiefs of the honest, were to appear to his character, and make his panegyric. It is a great pity, that we have not the oration which Cicero had prepared in defence of Catiline’s hacking to pieces Marius Gratidianus, the orator’s near kinsman, and carrying the bloody head, *plenum animæ et spiritus*, through the streets to make a present of it to Sylla. The fact being confessed, the orator’s task was only to shew, that it was a glorious action, and highly beneficial to the republic.

Vid. supr.
p. 448.
note m.

Vid. supr.
p. 433.
note b.

I pass now to the examination of that charge against Cæsar, which is so often repeated by modern writers of

^o This is the eminently learned man, who, at Cicero’s request, undertook to write the history of Cicero’s consulship, and to praise his conduct beyond its merit. Ep. Fam. 12, Ad Att. 4. 6.

Middl.
p. 225.

Roman history. He is represented as forming projects, even from his early youth, to overturn the commonwealth, invade the liberties of his fellow-citizens, enslave his country, and to do, nobody knows what! “Cæsar’s whole life (says Cicero’s English historian), made it probable that there could hardly be any plot in which he had not some share.” Yet of his evil dispositions before Cicero’s consulship, or even at that time, there is not the least shadow of evidence produced; but, instead of proper proof, we have his speaking honourably of his aunt and of his wife at their funerals; his erecting, when ædile, the statue of Marius, and his espousing the popular party, against the faction of Sylla’s cut-throats, and the creatures of his usurped despotism.

In order to set this matter in a true light, let us consider the import of the words republic, free-state, constitution, when they are used in relating the history of these times.

P. 33. 110.

Cicero’s English historian, in a treatise which he published on the Roman senate, contends, that, “by the original constitution of the government, even under the kings, the collective body of the people was the real sovereign of Rome, and the dernier resort in all cases.”

P. 123.

—And that even in the most outrageous “insults on the authority of the senate, though the honest of all ranks loudly inveighed against them, and detested the authors of them as men of dangerous views, who aspired to powers that threatened the liberty of the city: yet none ever pretended to say, that the acts themselves were illegal, or that the people had not a clear right, by the very constitution of the republic, to command and enact whatever they thought expedient.”

And the same writer tells us, that, before Cicero’s consulship, this democracy had been changed by Sylla into an aristocracy.

Middl. Life
of Cic. p.
31.

“Sylla having subdued all who were in arms against

him, was now at leisure to take his full revenge on their friends and adherents; in which, by the detestable method of a proscription, of which he was the first inventor, he exercised a more infamous cruelty than had ever been practised in cold blood, in that, or, perhaps, any other city. The proscription was not confined to Rome, but carried through all the towns of Italy, where, besides the crime of party, which was pardoned to none, Sallust. 15. Plut. in Syll. it was fatal to be possessed of money, lands, or a pleasant seat; all manner of licence being indulged to an insolent army, of carving for themselves what fortunes they pleased.—As soon as the proscriptions were over, and P. 32. the scene grown a little calm, L. Flaccus, being chosen interrex, declared Sylla dictator for settling the state of the republic, without any limitation of time, and ratified whatever he had done, or should do, by a special law, that empowered him to put any citizen to death, without hearing or trial. This office of dictator, which in early times had oft been of singular service to the republic in cases of difficulty and distress, was now grown odious and suspected in the present state of its wealth and power, as dangerous to the public liberty, and for that reason had been wholly disused, and laid aside, for 120 Vell. Pat. 2. 28. years; so that Flaccus's law was the pure effect of force and terror; and though pretended to be made by the people, was utterly detested by them. Sylla, however, being invested by it with absolute authority, made many useful regulations for the better order of the government; and by the plenitude of his power changed in great measure the whole constitution of it, from a democratical to an aristocratical form, by advancing the prerogative of the senate, and depressing that of the people. He took from the equestrian order the judgment of all causes, which they had enjoyed from the time of the Gracchi, and restored it to the senate; deprived the people of the right of choosing the priests; and replaced it in the colleges of priests; but above

all, he abridged the immoderate power of the tribunes, which had been the chief^p source of all their civil dissensions; for he made them incapable of any other magistracy after the tribunate; restrained the liberty of appealing to them; took from them their capital privilege, of proposing laws to the people; and left them nothing but their negative; or, as Cicero says, the power only of helping, not of hurting any one. But that he might not be suspected of aiming at a perpetual tyranny, and a total subversion of the republic, he suffered the consuls to be chosen in a regular manner, and to govern, as usual, in all the ordinary affairs of the city: whilst he employed himself in reforming the disorders of the state, by putting his new laws in execution; and in distributing the confiscated lands of the adverse party among his legions: so that the republic seemed to be once more settled on a legal basis, and the laws and judicial proceedings began to flourish in the Forum."

After giving this account of Sylla's usurpation and tyranny, and after relating his end, the historian has these very curious passages:—

Midd. p. 50.

"Sylla had one felicity peculiar to himself, of being the only man in history, in whom the odium of the most barbarous^q cruelties was extinguished by the glory

^p The historian, when he says, that the immoderate power of the tribunes had been the chief source of all the civil dissensions at Rome, seems to have forgot that the same immoderate power had likewise been the only source of the real liberty, the public virtue, the conquests, and the glory of the republic; and that the abuse of the tribunitian authority had been wholly occasioned by the ambition, avarice, and usurpations, of the aristocratic faction, Cicero's honest men, his good citizens. See introduction to the fourth book of this history; and introduction to the seventh book.

^q M. l'Abbé de St. Real speaks to the same effect; only he imputes the oblivion, into which Sylla's cruelties were cast, to his abdication alone.

Sylla, par un retour inespéré, ennuyé de vengeance, de pouvoir, de sang et de commandement; moins peut-être par moderation, et par grandeur d'ame, comme on l'a toujours publié, que par inquiétude; s'avisa de quitter sa dictature et l'empire, et de remettre le commandement entre les mains des consuls: changement prodigieux, qui rendit dès ce jour Sylla l'idole des Romains. On oublia tout le sang de la proscription; pour ne se ressouvenir que de la liberté rendue; et on vit en lui l'exemple d'un usurpateur le plus violent, et le plus sanguinaire, mort paisiblement dans son lit, aimé, adoré de tous les citoyens. [These last words are mere romance, as the whole sequel of the history evinces.] Si Sylla avoit toujours été bon républicain, on l'auroit moins aimé, que quand, après avoir subjugué sa patrie, il lui a plu de lui rendre la liberté. Tome 3. p. 61.

of his great acts. Cicero, though he had a good opinion De Fin. 312. of his cause, yet detested the inhumanity of his victory, De Off. 2. 8. and never speaks of him with respect, nor of his government, but as a proper tyranny; calling him a master of three most pestilent vices, luxury, avarice, and cruelty."

Notwithstanding the peculiar felicity above mentioned, Cicero, we see, remembers Sylla's inhumanity, and never speaks of him with respect; and "as soon as Sylla Midd. p. 50. was dead, the old dissensions, that had been smothered awhile by the terror of his power, burst out again into a flame, between the two factions, supported severally by the two consuls, Q. Catulus and M. Lepidus, who were wholly opposite to each other in party and politics. Lepidus resolved, at all adventures, to rescind the acts of Sylla, and recall the exiled Marians; and began openly to solicit the people to support him in that resolution: but his attempt, though plausible, was factious and unreasonable, tending to overturn the present settlement of the republic, which, after its late wounds and loss of civil blood, wanted nothing so much as rest and quiet, to recover a tolerable degree of strength." That is to say, Sylla's gang of robbers and murderers wanted nothing so much as public peace and quiet, that they might have no disturbance in the enjoyment of their plunder and depredations. And Catulus, the colleague of Lepidus, being one of that gang, and being aided by the rest, disappointed all his designs, though "he had with him several of the chief magistrates, and the good wishes of all the tribunes," and of all the popular party; in whose minds the odium of Sylla's cruelties was not extinguished by the glory of his great acts.

But whoever might dislike Sylla's establishment, it was factious (in the opinion of the historian above cited) to solicit the people to make any alteration in it.

The very ingenious M. Crevier is of the same opinion. Speaking of that *wise* sentence pronounced by

Vid. supr.
p. 421.
Tome 11.
p. 265.

Catulus, on occasion of Cæsar's erecting the statue of Marius—"Cæsar no longer undermines, but openly attacks the republic."—"The reflection was just. The government was at that time founded upon the laws and institutions of Sylla, and it was not possible to revive the party of Marius [*i. e.* the popular party], without introducing a general subversion of all things."

P. 323.

Again, "We have seen that Sylla had deprived them [the sons of the proscribed] of the capacity of holding dignities, and of being admitted into the senate. This was very hard: but Sylla's institutions were then the basis of the government, and it was impossible to infringe them, without putting the whole state into confusion. The consul [Cicero] was therefore obliged to oppose their demand, how equitable soever it seemed."

The learned writer will, I hope, excuse me, if I say, that the reason he assigns for thinking that Catulus spoke wisely, and Cicero acted justly in the instances mentioned, could have no place in the minds of Catulus and Cicero: because, in fact, the laws and institutions of Sylla were not the basis of the government, when Catulus uttered his wisdom in 688; nor when Cicero opposed the demand made by the sons of the proscribed, in 690.

P. 211.

The principal laws and institutions of Sylla, those that concerned the constitution of the government, had been abrogated some years before. The tribunes had been reinstated in the ancient privileges of the tribunate; to the people had been restored the prerogative of electing the priests; and the senators had been deprived of the sole right of judicature.

P. 306.

P. 310.

Except the practice of choosing annually twenty quæstors, instead of eight, to supply the numerous vacancies in the senate, whose complement of members Sylla had much enlarged, scarce any thing remained of his innovations, but the new senators, whom he had made

powerful by making them rich, in the manner described See p. 453. above.

These ruffians and their creatures were Cicero's republic, and their settlement in the possession of all the power of the state was the settlement which he was so zealous to maintain and preserve; and which the sons of the proscribed, had they been restored (as equity required) to a capacity of holding public dignities, and of being admitted into the senate, might possibly have endangered. As Cæsar had no zeal for the preservation of this settlement, but was for reinstating the children of the proscribed in the rights and privileges they were born to, we see in what sense he was, at this time, an enemy to the republic.

I shall here add M. Vertot's account of the state of Rome, when Cicero was consul.

“ Debauchery, luxury, and their natural consequence, poverty, gave birth to Catiline's conspiracy: the excessive ambition of some private men strengthened it, at a time when Rome had scarce any thing left of a republican government, besides the bare name. The great ones alone reigned with absolute authority. The whole administration was centred in a few families, who handed the consular dignity about from one to another.^r A small number of citizens, by turns, disposed of the command of the armies, as also the government and revenues of the provinces. They being arbiters of peace and war, and accustomed to the homages and honours that go along with sovereign power, it happened very seldom, that any of them, at the quitting of their great places, could easily resolve to return to a private life, because this would put them again upon a level with their fellow-citizens. Some gained the affection of their

Vert. Rev.
Rom. l. 13.

^r Cicero's election to the consulship, who was a new man, and whose promotion is wholly ascribed to his merit, might seem to oppose what is here said, if Sallust had not made us know, that the elevation of the orator to that dignity was but an exception from a general rule, and chiefly owing to the public's being alarmed with the rumour of a dreadful conspiracy ready to break out, of which the courtesan Fulvia had, to many persons, given hints and intimations.

soldiers, either by a remissness in military discipline, or by self-interested liberalities. Others bought with large sums the votes of the people, to raise themselves, or their creatures, to the chief posts. Those that were out-bribed, and lost the day, eased their envy, by endeavouring to render the power of their rivals suspected, and cast about to promote their ruin at the expense of the public peace.”^s

Vid. vol. 4.
p. 3.

If this be a true account of the Roman government and administration in the time of Cicero, can this nominal republic be called Rome in its free state? the republic in its ancient form and constitution? Yet this is that republic, of which, as if it were in its perfect state, Cicero’s English historian, in giving the character of his hero, thus writes :

Midd.
vol. 2. p.
562.

“ As to his public conduct, no man was ever a more determined patriot, or a warmer lover of his country than he. His whole character, natural temper, choice of life and principles, made its true interest inseparable from his own. His general view, therefore, was always one and the same, to support the peace and liberty of the republic, in that form and constitution of it which their ancestors had delivered down to them. He looked upon that as the only foundation on which it could be supported.”

Vid. supr.
p. 400.

We have seen, that he was not of this mind when he spoke against Rullus’s Agrarian law, nor when he rejected the petition of the sons of the proscribed ; for then he thought Sylla’s laws and institutions were the only basis upon which the government could stand.

That Cicero, to the time of his attaining the consulship, never had any view in his public conduct, but his own interest and elevation, is abundantly manifest from so much of his history as has been given in the foregoing pages. What his views were in his public conduct during his magistracy, and after the expiration of it, we shall know by impartially considering his con-

^s See a citation in vol. 4. p. 284, from Middleton’s Life of Cicero.

duct. But the secret of all his politics and patriotism is sufficiently divulged by his panegyrist, where he says, Middl. vol. 2. p. 159. “It is certain there was not a man in the republic so particularly engaged, both by principle and interest, to wish well to its liberty [*i. e.* to its being absolutely governed by the senate, under the influence of Cicero], or who had so much to lose by the subversion of it: for he was undoubtedly the first citizen in it; had the chief influence in the senate, the chief authority with the people,—as long as it was governed by civil methods, and stood upon the foundation of its laws:” with which laws the senate frequently dispensed; as did s Middl. Treat. on the Roman Senate, p. 116. Cicero himself, during his consulship, as we shall presently see: and there is hardly an assassin mentioned in the Roman story, whose merit, if he killed a popular man, is not extolled by Cicero, for the heroic deed. But none have a larger share of the orator’s praises than Scipio Nasica and Opimius, the murderers of the two Gracchi; the two best citizens perhaps that Rome could ever boast.

Thus much it was thought proper to observe concerning Cicero and his politics, that we may thence collect the degree of credit which is due to those parts of the Roman history, which have been received upon the authority of Cicero alone, particularly men’s characters, and the motives from which they acted.

“As to the nature of my work (says Cicero’s English historian), though the title of it carries nothing more than the history of Cicero’s life; yet it might properly enough be called the history of Cicero’s times; since from his first advancement to the public magistracies, there was not any thing of moment transacted in the state, in which he did not bear an eminent part: so that, to make the whole work of a piece, I have given a summary account of the Roman affairs during the time even of his minority; and agreeably to what I promised in my proposals, have carried on a series of history,

Pref. p. 19. 20.

through a period of above sixty years [that is, from A. U. 647, when Cicero was born, to 710,] which for the importance of the events, and the dignity of the persons concerned in them, is by far the most interesting of any in the annals of Rome.

“ In the execution of this design, I have pursued, as closely as I could, that very plan, which Cicero himself had sketched out, for the model of a complete history, where he lays it down as a fundamental law, ‘ That the writers should not dare to affirm what was false, or to suppress what was true ; nor give any suspicion either of favour or disaffection ; that, in the relation of facts, he should observe the order of time, and sometimes add the description of places ; should first explain the counsels ; then the acts ; and, lastly, the events of things : that in the counsels, he should interpose his own judgment on the merit of them ; in the acts, relate not only what was done, but how it was done ; in the events, shew what share chance, or rashness, or prudence, had in them : that he should describe likewise the particular characters of all the great persons, who bear any considerable part in the story ; and should dress up the whole in a clear and equable style, without affecting any ornaments, or seeking any other praise, but of perspicuity.’

Vid. sup.
p. 435.

“ As I have borrowed my plan, so I have drawn my materials also from Cicero ; whose works are the most authentic monuments that remain to us, of all the great transactions of that age : being the original accounts of one, who himself was not only a spectator, but a principal actor in them. There is not a single part of his writings, which does not give some light as well into his own history, as into that of the republic : but his familiar letters, and above all, those to Atticus, may justly be called the memoirs of the times ; for they contain, not only a distinct account of every memorable event, but lay open the springs and motives, whence each of them proceeded ; so that as a polite writer, who lived in that

very age, and perfectly knew the merit of those letters, says, ‘the man who reads them will have no occasion for any other history of those times.’”^{Corn. Nep. in Vit. Attic. 16.}

Another polite writer, Thuanus, is of opinion, that we have no histories, upon the truth of which we can depend, but such as have been written of transactions, wherein the historians themselves were principal actors, and have been sincere enough to speak the truth of their own motives and purposes. Whether Cicero had this sincerity, and likewise a due degree of candour in speaking of the motives and purposes of the chiefs of the opposite party, the reader will judge occasionally.

Sallust, after relating the universal prevalency at Rome of those vices that are the ruin of states, rapacious covetousness, shameless venality, and boundless luxury, adds, that Catiline had collected, which in such a city it was not difficult to do, a band of needy profligates, who attended him as guards to his person: that he had been very assiduous in seeking intimacies with young persons chiefly, whose minds being soft and pliable, were easily moulded to what fashion he pleased: that some of these he provided with harlots; others with horses and dogs; and spared no cost to gratify the favourite passions, whatever they were, of his followers. The young men, thus seduced, and made indigent by

^t The historian, however, has made some use of other helps.—“After I had gone through my review of Cicero’s writings, my next recourse was to the other ancients, both Greeks and Romans, who had touched upon the affairs of that age. Those served me chiefly to fill up the interstices of general history, and to illustrate several passages, which were but slightly mentioned by Cicero; as well as to add some stories and circumstances which tradition had preserved, concerning Cicero himself, or any of the chief actors, whose characters I had delineated.”^{Pref. p. 23.}

“But the Greek historians, who treat professedly of these times, Plutarch, Appian, Dio, though they are all very useful for illustrating many important facts of ancient history, which would otherwise have been lost, or imperfectly transmitted to us, are yet not to be read without some caution, as being strangers to the language and customs of Rome, and liable to frequent mistakes, as well as subject to prejudices in their relation of Roman affairs.”

[N. B. We are not to understand this as said of all the Greek historians who have treated of Roman affairs, but of those Greek historians who have written of these times [and who do not speak so advantageously of Cicero, as his English historian could wish]: for with regard to other times [in which Cicero is not concerned, and when we have a favourite hypothesis to support], one Greek historian ought to be of greater authority with us than all the Latin writers together. Middleton’s Treatise of the Roman Senate, p. 20. See Observations, &c. p. 80.]

squandering their fortunes, he trained up to every kind of wickedness; with fearless impudence to become false witnesses; forge deeds; and not to stick even at murder; which they sometimes committed without provocation, without temptation, and merely to keep their hands in exercise."

Depending on the aid of these his friends and associates, he formed a design to overturn the government, and raise himself to supreme power. And it is said, that his scheme was not without a foundation of probability; Italy being drained in a manner of regular forces; Pompey at a great distance, with the best army of the empire; all things quiet at home; the senate in a careless security; and he himself in great hopes of obtaining the consulship. But it was chiefly from the support of Sylla's veteran soldiers, whose cause he had always espoused, and among whom he had been bred, that he promised himself success in his enterprise. These, to the number of about 100,000, had been settled in the several colonies and districts of Italy, in the possession of lands assigned to them by Sylla, which the generality had since wasted by their vices and luxury; so that they wanted another civil war to repair their shattered fortunes.

Cic. pro
Mur. 23.

Sallust.

About the beginning of June (689) in the consulship of L. Cæsar and C. Figulus, Catiline began to open his project to his confidants; to each of them at first alone: and having sounded them sufficiently, so as to perceive their several tempers and dispositions, he called together

" N. B. We are to suppose that Catiline had the skill to do all this, and to perpetrate numberless other crimes (during a course of more than twenty years' profligacy) in such a way as did not render him, in appearance, unworthy of the friendship of the honest Catulus, and the consulars, &c.—For Cicero himself, with all his penetration, was once almost deceived by him, so as to take him for a good citizen, a lover of honest men, a firm and faithful friend. " Me ipsum, me, inquam, quondam ille pene decepit, cum et civis mihi bonus, et optimi cujusque cupidus, et firmus amicus et fidelis videretur: cujus ego facinora oculis prius quam opinione, manibus ante quam suspicione, deprehendi: cujus in magnis catervis amicorum si fuit etiam Cælius, magis est, ut ipse moleste ferat errasse se, sicut nonnunquam in eodem homine me quoque erroris mei poenitet, quam ut istius amicitiae crimen reformidet." Pro Cælio, 6. Weiske. c. 14. One of the articles in the charge against Cælius was, that he had lived in friendship with Catiline.

all those who were the most distressed in their affairs, and the most desperately bold: judging it now advisable to speak to them in a body. In this assembly, there were, of senatorian rank, P. Cornelius Lentulus Sura, P. Autronius, L. Cassius Longinus, C. Cethegus, P. Sylla and S. Sylla (the sons of Servius Sylla), L. Vargunteius, Q. Annius, M. Porcius Lecca, L. Bestia, and Q. Curius: of the equestrian order, M. Fulvius Nobilior, L. Statilius, P. Gabinius Capito, and C. Cornelius.

Lentulus was descended from a patrician branch of the Cornelian family, one of the most numerous, as well as the most splendid, in Rome. His grandfather had borne the title of prince of the senate, and was the most active in the pursuit and destruction of C. Gracchus, in which he received a dangerous wound. The grandson, by the favour of his noble birth, had been advanced to the consulship about eight years before, but was turned out of the senate soon after by the censors, for the notorious infamy of his life, till by obtaining the prætorship a second time, which he now actually enjoyed, he recovered his former place and rank in that supreme council. His parts were but moderate, or rather slow; yet the comeliness of his person, the gracefulness and propriety of his action, the strength and sweetness of his voice, procured him some reputation as a speaker. He was lazy, luxurious, and profligately wicked; yet so vain and ambitious, as to expect from the overthrow of the government, to be the first man in the republic; in which fancy he was strongly flattered by some crafty soothsayers, who assured him from the Sibylline books, that there were three Cornelius's destined to the dominion of Rome; that Cinna and Sylla had already possessed it, and the prophecy wanted to be completed in him. With these views he entered freely into the conspiracy, trusting to Catiline's vigour for the execution, and hoping to reap the chief fruit from its success.

Cethegus, of an extraction equally noble (being of the

Middl.
p. 172.

Cic. Phil.
8. 4.
In Cat. 4. 6.

Flor. 4. 1.
Dio, p. 43.
Plut. in Cic.
Cic. in.
Brut. 350.

Cic. in
Cat. 3. 4.
it. 4. 6.

Juv. Sat.
8. p. 231.

Cornelian family), was of a temper fierce, impetuous, and daring, to a degree even of fury. He had been warmly engaged in the cause of Marius, with whom he was driven out of Rome; but when Sylla's affairs became prosperous, he presently changed sides, and throwing himself at Sylla's feet, and promising great services, was restored to the city. After Sylla's death, by intrigues and faction he acquired so great an influence, that, while Pompey was abroad, he governed all things at home; procured for Antonius that command over the coast of the Mediterranean, and for Lucullus the management of the Mithridatic war. In the height of this power he made an excursion into Spain, to raise contributions in that province, where meeting with some opposition to his violences, he had the hardiness to insult, and even wound the proconsul Q. Metellus Pius. But the insolence of his conduct, and the infamy of his life, gradually diminished, and, at last, destroyed his credit; when, finding himself controlled by the magistrates, and the particular vigilance of Cicero, he entered eagerly into Catiline's plot, and was entrusted, as we shall see presently, with the most bloody and desperate part of it, the task of massacring their enemies within the city. The rest of the conspirators were not less illustrious for their birth. The two Syllas were nephews to the dictator of that name. Autronius had obtained the consulship, but was deprived for bribery; and Cassius was a competitor for it with Cicero himself. In short, they were all of the same stamp and character; men whom disappointments, ruined fortunes, flagitious lives, had prepared for any design against the state; and all whose hopes of ease and advancement depended on a change of affairs, and the subversion of the republic. [*i. e.* Of the present aristocracy or oligarchy.]

With these were joined many from the colonies and principal towns of Italy, men of family and interest in their several countries. There were likewise several

App. p. 399.

Ascon. in
Verr. 2. 3.
Plut. in
Luc.

Pro Sylla,
25.

Flor. 1. 4.
p. 1.

Sallust,

other noblemen engaged in this conspiracy, but with more caution and secrecy: men, excited to it, not by want or distress of any sort, but by the hopes of lawless power.^x

Catiline having assembled at his own house those first-rate heroes above named, led them into a private part of it, and there, in a spirited harangue, represented to them, “that the government was fallen entirely into the hands of a few; that these held kings and princes their tributaries; that whole nations paid taxes to these, while all the rest of the Roman citizens, how worthy or brave soever, remained without interest or authority, and were looked upon as a contemptible mob, the slaves of those to whom they ought to be a terror:—Would it not be better to die in a brave attempt, than to live the sport of such men’s insolence?—We have poverty at home, and debts abroad; our condition is bad, our expectations worse. Rouse then to action. I call the gods to witness, that success is in our hands. Nothing is wanting but to make the attempt. All that you have so long wished for is now within your reach,—liberty, riches, honours; these will be the sure rewards of an easy victory.”

His associates, though (being extremely wretched, destitute of all things, even of every honest hope) they were pleased with the design, in general, of throwing the state into confusion, as imagining that this must, some how or other, turn to their benefit; yet desired that he would be a little more particular concerning the terms on which they were to engage in the enterprise, the assistance on which they might depend for carrying it on, and the advantages they were to expect from it. Catiline promised them an abolition of their debts; the pro-

^x Some persons there were at that time, who believed Crassus not unacquainted with the design; and that to reduce the power of Pompey, whom he hated, and who was then at the head of a great army, he would willingly have promoted any scheme whatsoever: and that he hoped, in case the conspiracy succeeded, to make himself, without much difficulty, head of the conspirators. Sallust.

scription of their particular enemies, and of the rich; plunder in abundance; in short, every advantage that conquest and uncontrolled power can give. He told them, that Piso, with an army in Hither Spain, and P. Sittius Nucerinus, with another in Mauritania, were both engaged in the undertaking: that C. Antonius, whom he hoped to have for his colleague in the consulship, was his intimate friend, and desperately distressed in his affairs; and that, in conjunction with him, he would, as soon as they should enter upon their office, begin the execution of the great design. He reminded them of the rich fruits, which some there present had reaped from Sylla's victory.—And when he perceived that his discourse had raised the spirits of the whole company, and filled their minds with pleasing hopes, he pressed them to be active in promoting his interest at the approaching election, and then dismissed the assembly.^y

In this conspiracy was Q. Curius, a man of no mean family, but who, for his scandalous conduct, had been expelled the senate by the censors. Desperately audacious he was, yet had not more boldness than levity; for whatever he heard he disclosed; he could not conceal even his own crimes: in a word, he considered neither what he said, nor what he did. There had been, for a long time, a criminal intercourse between him and Fulvia, a lady of quality. He had ruined his fortune by the excess of his liberality to her; and so soon as she perceived that he was poor, he found himself despised. Impatient under this disgrace, he began now to talk big, and to boast of mountains of gold, which he

^y Some have said, that Catiline did not impart to his associates his whole purpose, till he had first sworn them to secrecy; and that, before he tendered them the oath, he caused a bowl of wine, mixed with human blood, to be handed round from one to another (after the manner used at solemn sacrifices), of which when they had all participated, he let them know that his design in this execrable ceremony was to bind them the more strictly to mutual faith, as being privy to each other's guilt in so abominable an act.

Others have thought, that this and many other particulars were the inventions of Cicero's friends, who, by aggravating the crimes of the conspirators, sought to allay the odium which fell upon him for putting them to death without trial. "For my part (adds Sallust), I could never meet with any proof of the fact, proportioned to the unlikelihood of it."

should soon be master of; and, sometimes, instead of the humble suitor, the submissive lover, he put on the fierce tyrant, threatening to stab her, if she would not be obsequious to his pleasure. This change of style made her curious to know the ground of it. She very soon got the secret out of him; and whether she made small account of the promises of a ruined lover, or had no opinion of an enterprise managed by debauchees, and giddy, thoughtless young men, or had too much of common humanity to approve of the detestable design, she disclosed what she had learnt to several persons of distinction; but without mentioning her author. The rumour of a dreadful plot, ready to break out, produced a forward disposition, universally, to confer the consulship on Cicero, his abilities being well known, and he being then one of the candidates. For before this, almost all the nobles stormed through envy, and thought that the consular dignity would in a manner be profaned, if he, deserving as he was, yet being a new man, should be invested with it: but when impending dangers threatened, pride and envy subsided.

Vid. *supr.*
p. 394.

Accordingly, the centuries, with one voice, proclaimed M. Tullius Cicero the first consul (giving him C. Antonius for a colleague); a heavy blow, which very much shocked the generality of the conspirators. Catiline's fury, however, abated not in the least; he exerted himself every day more and more; provided magazines of arms in all the most commodious places of Italy; borrowed money, either on his own credit, or that of his friends, and transmitted it to Fesulæ, in Etruria, to one Manlius, a bold and experienced centurion, who, having enrolled a considerable body of men, waited only his orders to take the field.

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It is said, that, about this time, Catiline gained to his interest a great number of men of all ranks; and some women too, who had once been able to support a vast expense by prostitution, but who, when age had put an

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Middl.
p. 167.

Pro Mu-
ræna 23.
In Vatin,
15.

Dio. l. 37,
43.

Plut. in
Cic. M O R
Pro Mu-
ræn. 25.

end to their gains without lessening their luxury, had contracted heavy debts : by their means he hoped to engage the city-slaves to set the city on fire. These women were likewise to draw their husbands into the plot, or to kill them.

Catiline, notwithstanding these measures taken for war, declared himself a candidate for the next year's consulship ; and renewed his efforts with greater vigour than ever to obtain it ; hoping, if he should be chosen, to govern Antonius as he pleased. He pursued his pretension by such open methods of bribery, that Cicero published a new law against it, with the additional penalty of a ten years' exile, prohibiting likewise all shows of gladiators, within two years from the time of suing for any magistracy, unless they were ordered by the will of a person deceased, and on a certain day therein specified. Catiline, who knew the law to be levelled at him principally, formed a design to kill Cicero, with some other chiefs of the senate, on the day of election ; but Cicero gave information of it to the senate the day before, upon which the election was deferred, that they might have time to deliberate on an affair of so great importance ; and the day following, in a full house, he called upon Catiline to clear himself of this charge ; where, without denying or excusing it, he bluntly told them, that there were two bodies in the republic, meaning the senate and the people, the one of them infirm with a weak head, the other firm without a head ; which last had so well deserved of him, that it should never want a head while he lived. He had made a declaration of the same kind, and in the same place, a few days before, when, upon Cato's threatening him with an impeachment, he fiercely replied, that if any flame should be excited in his fortunes, he would extinguish it, not with water, but a general ruin.

At the consular election, which came on presently after this, Cicero, apprehending there would be an at-

tempt to assassinate him in the field of Mars, took care to throw back his gown, and let the people see a shining breastplate, which he wore under it: a precaution which, deeply imprinting on the multitude a sense of the common danger, prevented, as he told Catiline afterward to his face, his design of killing not only him, but D. Junius Silanus, and L. Licinius Muræna, who were declared consuls elect.

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Catiline, thus a second time repulsed, and breathing nothing but revenge, was now eager and impatient to execute his grand plot. With this view he dispatched C. Manlius, then at Rome, to Fesulæ, and the adjacent parts of Etruria; Septimius to the territory of Picenum; C. Julius into Apulia; and others to different places, where he thought they might be most serviceable to his design. At the same time, he was busily employed in contriving the most effectual means to murder the consul, and set fire to the city. He posted armed men in convenient places; was himself always armed; ordering his followers to be so too; was ever pressing them to be upon their guard, and prepared for action: day and night he passed without sleep, and in a hurry; and yet was unwearied with his never-ceasing toils.

Of all these measures for war, massacres, and conflagrations, Cicero received intelligence from Crassus, who, with M. Marcellus and Metellus Scipio, came to his house at midnight, and having caused him to be waked, put into his hand a packet of letters, which had been left with Crassus's porter by a person unknown. Among these letters was one directed to Crassus himself, but without the name of the writer: the rest were directed to other senators. Crassus opened his own, and finding in it an exhortation to him to quit Rome, because Catiline was soon to make great havoc there, he immediately carried all the letters to the consul; who thereupon convened the senate, and delivered them, each according to its direction. Being read aloud

Plut. in
Cic. et in
Crass.

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Middl.
p. 175.

Cic. pro
Syll. 19.
Plut. in
Cic.

Cic. in Cat.
. 4.
Sallust. 28.
Cic. pro
Syll. 18.

to the assembly, they were found to contain advices of the same import as those to Crassus; and it was at this time (the 21st of October), and upon this occasion, that the senate, by a decree, ordered the consuls to take care that the republic received no detriment. Catiline, nevertheless, on the 6th of November, summoned the principal conspirators to meet him in the dead of the night, at the house of M. Porcius Lecca.

At this meeting it was resolved, that Catiline should put himself at the head of the troops in Etruria, that Rome should be fired in many places at once, and a massacre^z begun at the same time; that in the consternation of the fire and massacre, Catiline should be ready with his Tuscan army, to take the benefit of the public confusion, and make himself master of the city; where Lentulus, in the meanwhile, as first in dignity, was to preside in their general councils; Cassius to manage the affair of firing it; Cethegus to direct the massacre. But the vigilance of Cicero being the chief obstacle to all their hopes, Catiline was very desirous to see him taken off before he left Rome; upon which L. Vargunteius and C. Cornelius, both Roman knights (the first a senator), undertook to kill him the next morning in his bed, in an early visit on pretence of business. They were both of his acquaintance, and used to frequent his house; and knowing his custom of giving free access to all, made no doubt of being readily admitted, as C. Cornelius, one of the two, afterward confessed.

No sooner was the meeting over, than Cicero had information of all that passed in it; for Curius sent Fulvia to him, with a punctual account of their deliberations. He presently imparted his intelligence to some of the chiefs of the city, who were assembled that evening, as usual, at his house, informing them not only of the design, but naming the men who were to execute it,

^z Plutarch, in a most romantic strain, writes, that in this massacre the whole senate was to be cut off, and all the citizens, except the sons of Pompey, who were to be kept as hostages to procure a peace and reconciliation with the father.

and the very hour when they would be at his gate; all which fell out exactly as he foretold; for the two knights came before break of day, but had the mortification to find the house well guarded, and all admittance refused to them.^a

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Cic. in Cat.
1. 4.

The meeting of the conspirators was on the 6th of November, in the evening; and on the 7th he summoned the senate to the temple of Jupiter in the Capitol, where it was not usually held, but in times of public alarm. There had been several debates before this on the same subject of Catiline's treasons, and his design of killing the consul, and a decree had passed, at the motion of Cicero, to offer a public reward to the first discoverer of the plot; if a slave, his liberty and 800*l.*; if a citizen, his pardon and 1,600*l.* Yet Catiline, by a profound dissimulation, and the constant professions of his innocence, still deceived many of all ranks, representing the whole as the fiction of his enemy Cicero, and offering to give security for his behaviour, and to deliver himself to the custody of any whom the senate would name; of M. Lepidus, of the prætor Metellus, or of Cicero himself; but none would receive him; and Cicero plainly told him, that he should never think himself safe in the same house, when he was in danger by living in the same city with him. Yet he still kept on the mask, and, though he stood actually impeached by L. Paullus, upon the Plautian^b law, he had the confidence to come to this very meeting in the Capitol; which so shocked the whole assembly, that none even

In Cat. 1. 1.

Sallust. 30.

In Cat. 1. 8.

^a Catiline was disappointed likewise in another affair of no less moment before he quitted the city; a design to surprise the town of Præneste, one of the strongest fortresses in Italy, within twenty-five miles of Rome; which would have been of singular use to him in the war, and a sure retreat in all events: but Cicero was beforehand with him, and from the apprehensions of such an attempt, had previously sent orders to the place to keep a special guard; so that when Catiline came in the night of the first of November to make an assault, he found them so well provided, that he durst not venture upon the experiment.

Cic. in Cat.
1. 3.

Vell. Pat.
2. 26.

^b The Plautian law *de vi* was passed by the tribune P. Plautius, in the consulship of M. Lepidus and Q. Catulus (A. U. 675.). It regarded those who attempted any force against the state or senate; or used any violence to the magistrates, or appeared armed in public upon any ill design, or forcibly expelled any person from his lawful possession. The punishment assigned to the convicted was *aquæ et ignis interdictio*. Suet. in Jul. 3. Dio, lib. 39. Cic. pro Sext. et pro Mil.

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In Cat. 1. 1.

of his acquaintance durst venture to salute him; and the consular senators quitted that part of the house where he sat, and left the whole bench clear to him. Cicero was so provoked by his impudence, that, instead of entering upon any business, as he designed, addressing himself directly to Catiline, he broke out into a most severe invective against him; and with all the fire and force of an incensed eloquence, laid open the whole course of his villanies, and of his treasons.

“ To what degree, then, do you purpose, Catilina, to abuse our patience? How long imagine with your frantic treasons to insult us? When stop your precipitate career of unbridled audacity? Perceive you not by the nightly guard on the Palatine, by the watch kept throughout the city, by the general consternation, by the assembling of the senate in this fortified place, by the looks of the senators: perceive you not, I say, that your dark designs are brought to light? Which of us, think you, is ignorant of what you did last night and the night before? where, and with whom, you held counsel, and what resolutions you took? The senate knows all this, the consul knows all, and yet—Oh! degenerate times! corrupted manners! the traitor lives; lives, did I say? he mixes with the senate, he surveys us, and with his eyes marks out every one whom he has destined for slaughter: whilst we, magnanimous counsellors of state, judge that we discharge our duty to the commonwealth, if we escape his fury and his sword. Catilina, the consul should, before this, have ordered thee away to execution. Did the excellent Publius Scipio, the high-priest, did he, a private citizen, invested with no magistracy, kill Tiberius Gracchus, for only causing some little disturbance in the government? and shall we, the consuls, the supreme magistrates, suffer Catilina to live; a traitor bent to lay waste the world, by slaughter and conflagration? I pass over, as too remote, the example of Quintus Servilius Ahala, who,

with his own hands, slew Spurius Mælius, for attempting a revolution in the state. There once was ; I say, there once was, in this our commonwealth, such patriot virtue, that men were animated with a keener resentment against a pestilent citizen, than against the most implacable foreign enemy. Catilina, we have a weighty and awful decree of the senate against thee ; the state wants not wisdom, nor this assembly due authority ; we only, we the consuls, I speak it aloud, are wanting in our duty.

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“ Formerly, when the senate had ordered the consul Lucius Opimius to take care that the commonwealth suffered no detriment, not a day intervened between that order and the death of Caius Gracchus, who was fallen only under the suspicion of seditious designs ; though Gracchus was descended of a father, grandfather, and remoter ancestors, all distinguished for their services to the state : Marcus Fulvius too, a person of consular dignity, shared the same fate, he and his sons. When, by a like decree, the care of the state was committed to the consuls C. Marius, and L. Valerius, did not L. Saturninus, tribune of the people, and C. Servilius, the prætor, fall a sacrifice to the justice of their country, without the intervention of a single day ? But we, for the space of twenty days, have suffered the senate’s authority to remain inactive in our hands, as if it were imperfect : for we too are armed with a like decree, but it rests among the records like a sword in its scabbard ; a decree, Catilina, by which you were doomed to immediate death : yet still you live ; you live, not to lay aside your guilty audaciousness, but to harden yourself in it.

Eighteen
days only
from 21
October.

“ Mercy, conscript fathers, is what I am heartily disposed to, but my conscience condemns me for inactivity and negligence, at a time when such terrible dangers threaten my country. An army formed against the republic is already encamped in Italy, on the borders of

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Hetruria: their numbers daily increase; their leader we behold within our walls. Should I order thee, Catilina, instantly to be seized and dragged to execution, there is reason to fear that all good men would censure me, not as too cruel, but as too slow. But I have been withheld by a certain reason, which still withholds me. Thou shalt then be put to death, when there is not a man to be found so wicked, so desperate, so like to thyself, who will deny it to be done justly: so long as there is one who dares to defend thee, thou shalt live, but live as thou now dost, surrounded by the guards which I have placed about thee: the eyes and ears of many shall watch thee, as they have hitherto done, when thou little thoughtest of it.

“What is it, Catilina, you can now have in view, when neither the shades of night can conceal your traitorous assemblies, nor the walls of your house hinder the voice of your treason from being heard?”

Middl. p.
178—181.

He then goes on to give a detail of all that had been concerted by the conspirators at their several meetings, to let him see, “that he was perfectly informed of every step which he had taken, or designed to take;” and observes, “that he saw several, at that time in the senate, who had assisted at those meetings.—He presses him therefore to quit the city, and since all his counsels were detected, to drop the thoughts of fires and massacres;—that the gates were open, and nobody should stop him.” Then running over the flagitious enormities of his life, and the series of his traitorous practices, “he exhorts, urges, commands him to depart, and, if he would be advised by him, to go into a voluntary exile, and free them from their fears, that, if they were just ones, they might be safer; if groundless, the quieter: that though he would not put the question to the house, whether they would order him into banishment, or not, yet he would let him see their sense upon it by their manner of behaving while he was urging him to it; for, should

he bid any other senator of credit, P. Sextius or M. Marcellus, to go into exile, they would all rise up against him at once, and lay violent hands on their consul: yet, when he said it to him, by their silence, they approved it; by suffering, decreed it; by saying nothing, proclaimed their consent. That he would answer likewise for the knights, who were then guarding the avenues of the senate, and were hardly restrained from doing him violence; that, if he would consent to go, they would all quietly attend him to the gates.—Yet, after all, if, in virtue of his command, he should really go into banishment, he foresaw what an odium he should draw by it upon himself; but he did not value that, if, by his own calamity, he could avert the dangers of the republic: but there was no hope that Catilina could ever be induced to yield to the occasions of the state, or moved with a sense of his crimes, or reclaimed by shame, or fear, or reason, from his madness. He exhorts him, therefore, if he would not go into exile, to go at least where he was expected, into Manlius's camp, and begin the war: provided only that he would carry out with him all the rest of his crew.—That there he might riot and exult at his full ease, without the mortification of seeing one honest man about him.—There he might practise all that discipline to which he had been trained, of lying upon the ground, not only in pursuit of his lewd amours, but of bold and hardy enterprises: there he might exert all that boasted patience of hunger, cold, and want, by which, however, he would shortly find himself undone." He then introduces an expostulation of the republic with himself, for his too great lenity, in suffering such a traitor to escape, instead of hurrying him to immediate death; and he answers——“If I had thought it the most advisable to put Catilina to death, I would not have allowed that gladiator the use of one moment's life:——but there are some of this very order, who either do not see the dangers which hang over us, or

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else dissemble what they see; who, by the softness of their votes, cherish Catilina's hopes, and add strength to the conspiracy by not believing it; whose authority influences many, not only of the wicked but the weak; who, if I had punished this man as he deserved, would not have failed to cry out upon me for acting the tyrant. Now, I am persuaded, that when he is once gone into Manlius's camp, whither he actually designs to go, none can be so silly as not to see there is a plot, none so wicked as not to acknowledge it; whereas by taking off him alone, though this pestilence would be somewhat checked, it would not be suppressed: but when he has thrown himself into rebellion, and carried out his friends along with him, and drawn together the profligate and desperate from all parts of the empire, not only this ripened plague of the republic, but the very root and seed of all our evils, will be extirpated with him at once." Then applying himself again to Catiline, he presses him once more to leave Rome and go to Manlius's army.

Sallust.

When the consul had finished his vehement discourse, Catiline, who was a perfect master of the art of dissimulation, with downcast looks and suppliant voice begged of the fathers not to believe too hastily what had been said against him: that such was his family, and such had been the tenor of his whole life from his youth up, as might encourage him to hope for every honour he could aspire to: and it was not to be imagined, that he, a patrician, whose ancestors, as well as himself, had given many proofs of their affection to the Roman people, should wish to overturn the government; while Cicero, a stranger, a tenant only of a house he had lately hired in Rome, was zealous for its preservation. But, as he was going on to give harsh and abusive language, the senate interrupted him by a general outcry, calling him parricide, and enemy to his country. Urged to fury and desperation by this treatment, he repeated with a loud and menacing voice what he had said before to Cato,

“ Since I am circumvented, and driven headlong by my enemies, the flame that is raised about me I will extinguish by the common ruin ;” and so rushed out of the assembly.

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And now, perceiving it in vain to dissemble any longer, he resolved to enter into action immediately, before the troops of the republic were increased ; and accordingly he left Rome that very night with a small retinue, to make the best of his way towards Etruria. But, before he went off, had a short conference with Lentulus, Cethegus, and others, the boldest of the conspirators, in which he pressed them earnestly to neglect no means of augmenting their number, get rid of Cicero as soon as possible, and prepare for a massacre, and the firing of the city : and he assured them, that he would speedily return at the head of a strong army.

He no sooner disappeared, than his friends gave out that he was gone into a voluntary exile at Marseilles. Cicero entertained no doubt of his going directly to Manlius's camp, knowing that he had already sent thither a quantity of arms, and all the ensigns of military command, and particularly a silver eagle, for which he had a superstitious regard, because C. Marius had made use of it in his expedition against the Cimbri. However, lest the report should gain belief in the city, and it should be said that the consul had driven an innocent man into banishment, without any previous trial, he called the people together into the Forum, to give them an account of what had passed in the senate the day before, and of the immediate consequence of it, Catiline's hasty departure from Rome : he began “ by congratulating with them on the conspirator's flight, as on a certain victory : since the driving him from his secret plots, and insidious attempts on their lives and fortunes, into open rebellion, was in effect to conquer him : that the parricide himself was sensible of it ; whose chief regret, in his retreat, was not for leaving the city, but for leaving

In Cat. 2.

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it standing.—But if there be any here who blame me for what I am boasting of, that I did not rather seize than send away so capital an enemy : I must answer, that the fault is not mine ; no, Romans, it is the fault of the times. Catilina, in justice, ought, long ago, to have suffered the last punishment ; the custom of our ancestors, the discipline of the empire, and the interest of the republic, required it : but had I put Catilina to death, I should have drawn upon myself such an odium, as would have rendered me unable to prosecute his accomplices, and extirpate the remains of the conspiracy ; but, so far from being afraid of him now, I am only sorry he went off with so few to attend him : his forces are contemptible, if compared with those of the republic ; they are a miserable, needy crew, who have wasted their substance, forfeited their bails, and who are so far from having the courage to face an armed enemy, that they would run away at the sight of a prætor's writ. Those of his accomplices who have stayed behind, and whom I see sauntering about in the Forum, are more to be dreaded than the army itself ; and the more so, because they know me to be informed of all their designs, yet remain cool and unconcerned. Yesterday I laid open all their councils in the senate, upon which Catilina was so disheartened, that he immediately fled. I cannot guess what the rest mean : if they imagine that I shall always use the same lenity, they are much deceived : for I have now gained what I was hitherto waiting for, proof, which might convince all people that a conspiracy there actually is. There remains no longer, therefore, any room for clemency ; the case itself requires severity : yet I shall still grant them one thing—permission to quit the city, and follow Catilina ; nay, I will tell them the way : it is the Aurelian road ; if they will make haste, they may overtake him before night.

“ Happy Rome, could it be drained of its impurities !

“ To me the absence of Catilina alone seems to have

given the city fresh bloom and beauty. What is the villany, what is the crime, that can enter into the heart of man, which did not enter into his? In all Italy, what poisoner, what gladiator, what robber, what cut-throat, what parricide, what forger, what ruffian, what debauchee, what adulterer, what strumpet, has there been amongst the corrupters, or the corrupted, of our youth, who did not live in an open familiarity with Catilina? For these many years, has there been a murder to which he was not an accessory? an infamous rape, and he not an accomplice? Had ever any man such talents for debauching youth as he; who indulged himself in a criminal flame for others, and others in an infamous passion for himself? To some he promised the objects of their lust, to some the death of their parents,^c &c.—Then, after describing the profligate lives of his accomplices, he declared it “insufferably impudent for such men to pretend to plot; the lazy against the active, the foolish against the prudent, the drunken against the sober, the drowsy against the vigilant,” &c. He added, “If my consulship, since it cannot cure, should cut off all these, it would add no short period to the duration of the republic: for there is no nation which we have reason to fear, no king who can make war against the Roman people; all disturbances abroad, both by land and sea, are quelled by the virtue of one man; but a domestic war still remains; the treason, the danger, the enemy, is within; we are to combat with luxury, with madness, with villany: in this war I profess myself your leader, and take upon myself all the animosity of the desperate: whatever can possibly be healed, I will heal; but what ought to be cut off, I will never suffer to spread to the ruin of the city. But it seems, Catilina, poor man! has by my threats been so terrified, as to banish himself!

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Middl.
p. 185.

^c N. B. This is the man, whose friendship a few months before, Cicero courted, and (had Catiline been disposed to strike the bargain) would have purchased, at the price of defending him, when brought in judgment for murdering, with the most brutal cruelty, a man who had been the people's great benefactor, and was the orator's near kinsman.

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Middl.
p. 187.

There is not one of those who make this complaint, and who talk of his going to Marseilles, but would be sorry for it if it were true. By such a change in his design, much odium would unquestionably fall upon me; I should be accused of having persecuted an unfortunate man, innocent, uncondemned, never brought to trial. Romans, no concern for my own ease or character can make me wish that you may hear of Catilina's being at the head of an army; but this you certainly will hear in three days' time."

He then directed them to "keep a watch only in their private houses, for he had taken care to secure the public without any tumult; that he had given notice to all the colonies and great towns of Catiline's retreat, so as to be upon their guard against him: and as to the body of gladiators, whom Catiline always depended upon as the best and surest band, they were taken care of in such a manner as to be in the power of the republic; though, to say the truth, even these were better affected than some part of the patricians: that he had sent Q. Metellus the prætor into Gaul and the district of Picenum, to oppose all Catiline's motions on that side; and, for settling all matters at home, had summoned the senate to meet again that morning, which, as they saw, was then assembling. As for those therefore who were left behind in the city, though they were now enemies, yet, since they were born citizens, he admonished them again and again, that his lenity had been waiting only for an opportunity of demonstrating the certainty of the plot: that for the rest, he should never forget that this was his country, he their consul, who thought it his duty either to live with them or die for them." He added, "There is no guard upon the gates, none to watch the roads; if any one has a mind to withdraw himself, he may go wherever he pleases; but if he makes the least stir within the city, so as to be caught in any overt act against the republic, he shall know, that there are in it vigilant

consuls, excellent magistrates, a stout senate ; that there are arms, and a prison, which our ancestors provided as the avenger of manifest crimes ; and all this shall be transacted in such a manner, citizens, that the greatest disorders shall be quelled without the least hurry ; the greatest dangers without any tumult : a domestic war, the most desperate of any in our memory, by me your only leader and general, in my gown : I will manage so, that, as far as it is possible, no one even of the guilty shall suffer punishment in the city : but if their audaciousness and my country's danger should necessarily drive me from this mild resolution, yet I will effect, what in so cruel and treacherous a war could hardly be hoped for, that not one honest man shall fall, but all of you be safe by the punishment of a few. This I promise, citizens, not from any confidence in my own prudence, or from any human counsels, but from the many evident declarations of the gods, by whose impulse I am led into this persuasion ; who assist us, not, as they used to do, at a distance, against foreign and remote enemies, but by their present help and protection defend their temples and our houses," &c.

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We have no account of this day's debate in the senate, which met while Cicero was speaking to the people, and were waiting his coming to them from the rostra : but as to Catiline, after staying a few days upon the road to raise and arm the country through which he passed, and which his agents had already been disposing to his interests, he marched directly to Manlius's camp, with the fasces and all the ensigns of military command displayed before him. Upon this news, the senate declared both him and Manlius public enemies, with offers of pardon to all his followers, who were not condemned of capital crimes, if they returned to their duty by a certain day : and ordered the consuls to make new levies, and that Antonius should follow Catiline with the army ; Cicero stay at home to guard the city.

Middl. p.
189.

Sallust.

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Middl. p.
190—195.

Pro Mur.
30.

Plut. in
Catone.

In the midst of all this hurry, and soon after Catiline's flight, Cicero found leisure to defend L. Muræna, one of the consuls elect, who was now brought to a trial for bribery and corruption. Cato had declared in the senate, that he would try the force of Cicero's late law upon one of the consular candidates: and since Catiline was out of his reach, he resolved to fall upon Muræna; yet (if we may believe Plutarch) connived at the other consul elect, Silanus (who had married his sister), though equally guilty with his colleague: Cato was joined in the accusation by one of the disappointed candidates, S. Sulpicius, a person of distinguished worth and character, and the most celebrated lawyer of the age, for whose service, and at whose influence, Cicero's law against bribery had been chiefly provided.

Pro Mur. 9. Muræna was bred a soldier, and had acquired great fame in the Mithridatic war, as lieutenant to Lucullus; and was now defended by three of the greatest men, as well as the greatest orators, at Rome, Crassus, Hortensius, and Cicero; so that there had seldom been a trial of more expectation, on account of the dignity of the parties concerned. The character of the accusers makes it reasonable to believe, that there was clear proof of some illegal practices: yet, from Cicero's speech, which, though imperfect, is the only remaining monument of the transaction, it seems probable, that they were such only as, though heinous in the eyes of a Cato, or an angry competitor, were usually overlooked by the magistrates, and expected by the people.

The accusation consisted of three heads—the scandal of Muræna's life; the want of dignity in his character and family; and bribery in the late election. As to the first, the greatest crime which Cato charged him with was dancing; to which Cicero's defence was somewhat remarkable: “He admonishes Cato not to throw out such a calumny so inconsiderately, or to call the consul of Rome a dancer; but to consider how many

Ib. 6.

other crimes a man must needs be guilty of before that of dancing can be objected to him; since nobody ever danced, even in solitude, or a private meeting of friends, who was not either drunk or mad; for dancing was always the last act of rioting, banquetings, gay places, and much jollity: that Cato charged him therefore with what was the effect of many vices, yet with none of those without which that vice could not possibly subsist; with no scandalous feasts, no amours, no nightly revels, no lewdness, no extravagant expenses," &c.

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As to the second article, the want of dignity, it was urged chiefly by Sulpicius, who, being noble, and a patrician, was the more mortified to be defeated by a plebeian, whose character he contemned. But "Cicero ridicules the vanity of thinking no family good but a patrician: observes that Muræna's grandfather and great grandfather had been prætors: and that his father also from the same dignity had obtained the honour of a triumph: that Sulpicius's nobility was better known to the antiquaries than to the people; since his grandfather had never borne any of the principal offices, nor his father ever mounted higher than the equestrian rank. He adds that, when a consul, of an ancient and illustrious descent, was defended by a consul, the son of a knight, he never imagined that the accusers would venture to say a word about the novelty of a family: that he himself had two patrician competitors; the one a profligate and audacious, the other an excellent and modest man; yet that he outdid Catiline in dignity, Galba in interest; and if that had been a crime in a new man, he should not have wanted enemies to object it to him." He then shews, that the science of arms, in which Muræna excelled, had much more dignity and splendour in it than the science of the law [upon the forms of which he casts a great deal of ridicule], being that which first gave a name to the Roman people, brought glory to their city, and subdued the world to

Pro Mur.
7, 8.

Ib. 9—11.

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their empire : that martial virtue had ever been the means of conciliating the favour of the people, and recommending to the honours of the state ; and it was but reasonable that it should hold the first place in that city, which was raised by it to be the head of all other cities in the world."

As to the last and heaviest part of the charge, the crime of bribery, Cicero makes very slight of it, and declares himself "more afraid of the authority than the accusation of Cato;" and, to obviate the influence which the reputation of Cato's integrity might have in the cause, he observes, "that the people in general, and all wise judges, had ever been jealous of the power and interest of an accuser ; lest the criminal should be borne down, not by the weight of his crimes, but the superior force of his adversary. Let the authority of the great prevail for the safety of the innocent, the protection of the helpless, the relief of the miserable ; but let its influence be repelled from the dangers and destruction of citizens : for if any one should say, that Cato would not have taken the pains to accuse if he had not been assured of the crime, he establishes a very unjust law to men in distress, by making the judgment of an accuser to be considered as a prejudice, or previous condemnation of the criminal.^d He exhorts Cato not to be so severe on what ancient custom and the republic itself had found useful ; not to deprive the people of their plays, gladiators,^e and feasts, which their an-

^d After this he makes high compliments to Cato on his eminent virtues ; but rallies him on his stoic philosophy ; according to which all sins are equal ; all deviations from right equally wicked ; to kill a dunghill-cock without reason not less criminal than to kill a parent ; a wise man can never forgive ; never be moved by anger, favour, or pity ; never be deceived ; never repent, never change his mind.—These are the principles (adds the orator, addressing himself to the judges) which Marcus Cato has brought from the school of Zeno, not as subjects for exercise and argument only, but to serve him as a rule of life. The consequence is—Cato having once said in the senate, that he would impeach a consular candidate, he must do it : should he be exorable or compassionate, or own himself mistaken as to the facts, he would forfeit the character of a wise man. Plutarch tells us, that the wit and humour with which Cicero rallied the profession of Sulpicius as trifling and contemptible, the principles of Cato as absurd and impracticable, made the whole audience merry, and forced Cato himself to cry out, "What a facetious consul have we!"

^e All shows of gladiators, within two years from the time of suing for any magistracy, were expressly forbid by Cicero's new law. Vid. *supra*, p. 468.

cestors had approved, nor to take from candidates an opportunity of obliging by a method of expense, which indicated their generosity, rather than an intention to corrupt."

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But, whatever Muræna's crime might be, the circumstance which chiefly favoured him was the difficulty of the times, and a rebellion actually on foot, which made it neither safe nor prudent to deprive the city of a consul, who by a military education was the best qualified to defend it in so dangerous a crisis.—“If it be asked, what reason I have to fear Catilina?—None at all; and I have taken care that nobody else need fear him: yet I say that we have cause to fear those troops of his, which I see in this very place. Nor is his army so much to be dreaded as those who are said to have deserted it: for in truth they have not deserted it, but are left as spies upon us, and placed as it were in ambush to destroy us the more securely: all these want to see a worthy consul, an experienced general, a man both by nature and fortune attached to the interests of the republic, driven by your sentence from the guard and custody of the city—but this is no time to throw away any of the helps which we have, but by all means possible to acquire more. The enemy is not on the banks of the Anio, which was thought so terrible in the Punic war, but in the city and in the Forum. Good gods! (I cannot speak it without a sigh) there are some enemies in the very sanctuary; some, I say, even in the senate! What will become of us, if entering into the new year, with these dangers around us, we should have but one consul in the republic, and he should be employed, not in prosecuting the war, but in providing a colleague?” This consideration, so forcibly urged, of the necessity of having two consuls for the guard of the city at the opening of the new year, had such weight with the judges, that, without any deliberation, they unanimously acquitted Muræna, and would not, as Cicero says, so

Vid. infr.
p. 495.

Pro Flacc.
39.

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Sall. 49.

Pro Flacc.
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much as hear the accusation of men the most eminent and illustrious.

Not long before the trial of Muræna, Cicero had pleaded another cause in the defence of C. Piso, who was accused by Cæsar of having, when prætor of Gallia Transpadana, illegally punished a man of that country. It is highly probable that Piso was guilty of the charge, Cicero assigning no other reason for his being acquitted, but that he had behaved himself well in his consulship, A. U. 686.

To return to the affair of the conspiracy.

A few days after the senate's decree (which invested the consuls with dictatorial power), and before Catiline's flight, L. Senius, a member of that body, read a letter in the house, which, he said, came from Fesulæ; importing that C. Manlius had taken up arms about the latter end of October, and was at the head of a great multitude of people. It was rumoured at the same time that the slaves were arming in Capua and in Apulia. Hereupon the senate ordered Q. Marcius Rex to Fesulæ, and Q. Metellus Creticus to Apulia and the adjacent country. [These two commanders, with their armies, were then waiting near the city, to be decreed the honour of a triumph, the grant of which had hitherto been obstructed by the malicious calumnies of a few men, who made sale of every thing, honourable and dishonourable.] On the approach of Marcius Rex, Manlius deputed some of his officers to meet him in the way, and address him in words to the following effect:—

“ We call the gods to witness, general, that we have not taken up arms either against our country, or with a view to hurt any particular person, but to defend ourselves from injuries, wretched and needy as we are, through the violence and cruelty of usurers; most of us banished from our country, and all deprived of our reputations and fortunes; nor were any of us allowed the

benefit of the laws made by our forefathers to secure the liberty of our persons, when nothing else is left us; such has been the cruelty of our creditors and the prætors. We neither desire power nor riches, for the sake of which all the wars and contests among men are commenced and carried on. Liberty is our sole aim, that liberty which no brave man will lose but with his life. wherefore we conjure both you and the senate to espouse the interests of your wretched fellow-citizens; restore to us what the iniquity of the prætor has ravished from us, the protection of the laws, and reduce us not to so desperate a state of distress as shall leave us nothing to think of but how we may take the amplest revenge on our oppressors; and, since they will have our blood, make it as costly a purchase to them as we are able."

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To this Q. Marcius answered, "That, if they had any thing to request of the senate, they must quit their arms, and make their appearance at Rome in the form of humble petitioners; that such had been the clemency and compassion of the Roman senate and people on all occasions, that no one had ever sued to them in vain for relief."

Catiline, in his way to Manlius's camp, had wrote to most of the consulars and to every senator and citizen of the first rank in reputation; "That, being on all sides attacked by false accusations, and unable to resist the faction of his enemies, he submitted to his fate, and was going a voluntary exile to Marseilles, not from a consciousness of guilt, but out of regard to the public tranquillity, and to prevent any sedition which a struggle in defending his innocence might possibly occasion."

But Catulus produced and read a letter written in a very different style, and which he declared had been delivered to him as from Catiline. (The main purpose of it was to recommend his mistress to the protection of his friend.)

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L. CATILINA TO Q. CATULUS, HEALTH.

“Your very singular friendship to me, which I have so often experienced in my greatest dangers, inspires me with confidence to make application to it in my present distress.”——

He then solemnly asserts his innocence: but frankly confesses, “that being provoked by injuries and false accusations, he had, agreeably to his usual practice, undertaken the common cause of the poor and the oppressed.—It is not that I want means to satisfy my creditors; for my estate is sufficient^f to discharge all the debts I have contracted on my own account; and Orestilla (such is her generosity) would clear all my engagements on account of others out of her own fortune and that of her daughter. But, seeing men of no merit raised to the highest honours of the state, and myself slighted and rejected upon groundless jealousies, I have taken such measures for preserving the small remains of my dignity, as, considering my circumstances, cannot but appear very honourable. I should have said more to you, but I am just now informed that some troops are in full march against me: in haste, therefore, I conclude with recommending Orestilla to your protection, entreating you by the tenderness you feel for your own children, to defend her from all injurious treatment. Farewell.”

In the meanwhile Lentulus at Rome, conformable to Catiline’s instructions, was endeavouring, by himself or by his emissaries, to engage in the cause all such as, from their vicious manners or necessitous circumstances, he judged would be very willing to help for-

^f Cicero in his oration for Muræna, represents Catiline speaking to his associates of his affairs as being in a desperate condition: he tells them, “that it was impossible for the wretched to find a faithful protector but in the person of one as wretched as they themselves: that men of ruined fortunes ought never to trust to the promises of men easy in their affairs: that consequently all who desired to recruit their wasted stores, and recover what they had been robbed of, need only to cast their eyes upon him, and consider how much he was indebted, how little he possessed, and what he was capable of daring: that the leader and standard-bearer of the unhappy ought to have very little fear, but a great deal of misery.”

ward a revolution ; not citizens only, but any kind of men who could be usefully employed.

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There happened to be at this time in the city certain deputies from the Allobroges (Gauls inhabiting the countries now called Savoy and Dauphiné), a warlike people, and ever disaffected to the Roman power. These deputies were come to solicit the senate for some relief under the burden of those debts with which the nation, as well as many private persons, was overwhelmed, through the oppressive covetousness of the Roman governors. They had met with no success, and were about to return home much discontented. Lentulus knowing this, and thence imagining it would not be difficult to draw them into the plot, employed one Umbrenus to sound them. This man, having traded in Gaul, was known to most of the leading men of that country, and was acquainted with their characters. The moment he got sight of the deputies in the Forum, he walked up to them, and, in friendly manner, like one who took an interest in their affair—"Well, how go matters? What is like to be the issue of your business?"—"Death : our calamities admit of no other remedy ; such is the insatiable covetousness of the magistrates, and the cruel insensibility of the senate."—"That is very hard indeed.—Have you the spirit to act like men? If you have, I believe I can shew you a way to get entirely out of your unfortunate circumstances."—"Be our friend then. Take pity of our condition. There is nothing so difficult or dangerous which we would not readily undertake to deliver our nation from the heavy load of debt that crushes it."

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Umbrenus said no more at that time, but conducted them to a house that stood near the Forum, and belonged to D. Brutus (then absent), the husband of Sempronia, who was deeply engaged in the plot. To give the more weight to what he should say, he sent for Gabinius ; and, as soon as he was come, laid open to the

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deputies the whole plan of the conspiracy, naming all who were engaged in it, and likewise many innocent persons of every degree, in order to create in the minds of the Gauls a better opinion of the enterprise. When, allured by the fair prospect, they had promised their concurrence, and to furnish a good body of horse (which was the aid principally wanted), he dismissed them.

But no sooner did the deputies begin coolly to reflect on what had been proposed to them, than they fell into perplexity and irresolution. On one side were the pressure of a load of debt, an inclination to war, and the hope of great advantages from victory; on the other, superior strength, safe measures, no risk; and, instead of uncertain hopes, certain reward if they discovered the conspiracy. After some fluctuation of mind, the fortune of Rome (says Sallust) gained the ascendant. They discovered all they had learned of the plot to Q. Fabius Sanga, the patron^s of their nation, who immediately gave intelligence of it to the consul.

Cicero thereupon directed the deputies to feign a warm zeal for carrying on the enterprise, and to promise every thing required of them, till they had got a full insight into the extent of the plot, with distinct proofs against the particular actors in it: accordingly when, by the means of Gabinius, they had procured a meeting with the rest of the conspirators, they insisted upon an oath from Lentulus, Cethegus, Statilius, and Cassius, under their hands and seals, to shew to their constituents; who, without such credentials, would never be induced to enter into an engagement so hazardous. Not suspecting any fraud, all complied with this proposal as reasonable, except Cassius, who promised he would be in their country in a very short time: and in fact he left the city before the deputies. Vulturcius was appointed by Lentulus to go along with them, and

Middl.
p. 199.

^s Every nation subjected or allied to the Roman state had its patron in the senate.

introduce them to Catiline in their road, in order to confirm the agreement, and exchange assurances also with him; to whom Lentulus sent at the same time a particular letter, under his own hand and seal, though without his name. Cicero, being punctually informed of these facts, concerted privately with the deputies the time and manner of their leaving Rome in the night, and that on the Milvian bridge, about a mile from the city, they should be arrested, with their papers and letters about them, by two of the prætors, L. Flaccus and C. Pontinius, whom he had instructed for that purpose, and ordered to lie in ambush near the place, with a strong guard of friends and soldiers. All this was successfully executed, and the whole company brought prisoners to Cicero's house by break of day.

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Cic. in Cat.
3. 2.

The rumour of this accident presently drew a resort of Cicero's friends about him, who advised him to open the letters before he produced them in the senate, lest, if nothing of moment were found in them, it might be thought rash and imprudent to raise an unnecessary terror and alarm through the city. But he was too well informed of the contents to fear any censure of that kind; and declared, that, in case of public danger, he thought it his duty to lay the matter entire before the public council. He sent therefore immediately for Lentulus, Gabinius, Statilius, Cethegus, and one Cæparius of Tarracina, who had been appointed to go into Apulia, and there make the slaves rise. The four first came presently to his house, suspecting nothing: Cæparius, having got some notice of the discovery, had slipped out of town, but was brought back before night. The consul being informed also of a quantity of arms provided by Cethegus for the use of the conspiracy, he ordered C. Sulpicius, another of the prætors, to go and search his house, where he found a great number of swords and daggers, with other arms, all newly cleaned, and ready for present service.

Ib. 3. 3.

Ib. it.
Plut. in
Cic.

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Midd. p.
200—203.

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Cic. in Cat.
3. 4.

Ib. 5. 6.

Thus prepared, escorted by a numerous body of citizens, and carrying with him the deputies and the conspirators, he set out to meet the senate in the temple of Concord, whither he had summoned them. Lentulus was at this time prætor; the consul himself therefore conducted him thither, holding him by the hand all the way; the rest were brought under a guard.

After he had given the assembly an account of the whole affair, Vulturcius was called in to be examined separately; to whom Cicero, by order of the house, offered a pardon and reward, if he would faithfully discover all that he knew: upon which, after some hesitation, he confessed, that he had a letter, and likewise verbal instructions, from Lentulus to Catiline, to press him to accept the assistance of the slaves, and to lead his army with all expedition towards Rome, to the intent that, when it should be set on fire in different places, and the general massacre begun, he might be at hand to intercept those who escaped, and join with his friends in the city.

The deputies were examined next, who declared, that they had received letters to their nation from Lentulus, Cethegus, and Statilius; and these three, and L. Cassius also, required them to send a body of horse as soon as possible into Italy, declaring that they had no occasion for any foot: that Lentulus had assured them from the Sibylline books, and the answers of soothsayers, that he was the third Cornelius, who was destined to be master of Rome, as Cinna and Sylla had been before him; and that this was the fatal time marked out for the destruction of the city and empire: that there was some dispute between Cethegus and the rest about the time of firing the city; for while the rest were for fixing it on the feast of Saturn, or the middle of December, Cethegus thought that day too remote and dilatory. The letters were then produced and opened; first that from Cethegus; and upon shewing him the seal, he al-

lowed it to be his; it was written with his own hand, and addressed to the senate and people of the Allobroges, signifying that he would make good what he had promised to their deputies, and entreating them also to perform what the deputies had undertaken for them. He had been interrogated just before about the arms that were found in his house, to which he answered, that they were provided only for his curiosity, for he had always been particularly fond of neat arms: but, after his letter was read, he was so dejected and confounded, that he had nothing at all to say for himself.—Statilius was then brought in, and acknowledged his hand and seal; and when his letter was read, to the same purpose with Cethegus's, he confessed it to be his own.—Then Lentulus's letter was produced, and his seal^h likewise owned by him: the letter was of the same import with the other two; but, having leave to speak for himself, he at first denied the whole charge, and began to question the ambassadors and Vulturcius, what business they ever had with him, and on what occasion they came to his house; to which they gave clear and distinct answers, signifying by whom and how often they had been introduced to him; and then asked him in their turn, whether he had never mentioned any thing to them of the Sibylline oracles; upon which being confounded, or infatuated rather by the sense of his guilt, he gave a remarkable proof, as Cicero says, of the great force of conscience; for not only his usual parts and eloquence, but his impudence too, in which he outdid all men, quite failed him; so that he confessed the crime, to the surprise of the whole assembly. Then Vulturcius desired, that the letter to Catiline, which Lentulus had sent by him, might be opened; where Lentulus again, though greatly disordered, acknow-

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^h Cicero, perceiving the seal to be the head of Lentulus's grandfather, could not help expostulating with him, that the image of such an ancestor [one of the worthy accomplices of Opimius in that massacre where Caius Gracchus, together with 3,000 Roman citizens, were destroyed], so remarkable for a singular love of his country, had not reclaimed him from his traitorous designs. In Cat. 3. 10.

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ledged his hand and seal: it was written without any name, but to this effect: "You will know who I am from him whom I have sent to you. Take care to shew yourself a man; and recollect in what a situation you are, and consider what is now necessary for you. Be sure to make use of the assistance of all, even of the lowest."—Gabinus was then introduced, and behaved impudently for awhile; but at last denied nothing of what the deputies charged him with.

After the criminals and witnesses were withdrawn, the senate came unanimously to the following resolutions: That Lentulus (after having abdicated the prætorship, and divested himself of his robes), and Cethegus, Statilius, and Gabinus, with their other accomplices also when taken, Cæparius, Furius, Chilo, Umbrenus, should be committed to safe custody;ⁱ and that a public thanksgiving should be appointed in Cicero's name, for his having preserved the city from a conflagration, the citizens from a massacre, and Italy from a war. That Flaccus and Pontinius, the prætors, should be thanked for their vigorous and punctual execution of Cicero's orders, and that Antonius, the other consul, should be praised for having removed from his councils all those who were concerned in the conspiracy.

Sallust.

And now the common people, who just before, from a natural love of change and novelty (or perhaps from their hatred of the senate), had wished for some intestine commotion, were no sooner made acquainted with the true design of the conspiracy, than they began to curse Catiline and his devices, and to extol Cicero to the skies. For, while they remained ignorant of what was intended, they entertained a hope of some possible advantage from it to themselves; but when they under-

ⁱ According to Sallust, Lentulus was committed to the custody of his kinsman, P. Lentulus Spinther (at that time curnle ædile), Cethegus was delivered to Q. Cornificius, Statilius to Cæsar, Gabinus to Crassus, Cæparius to Cn. Terentius, a senator. Of the commitments of the prisoners respectively to Cæsar, Crassus, Cornificius, and Terentius, Dr. Middleton takes no notice. Perhaps he did not find these particulars in any of Cicero's writings.

stood that the city was to be set on fire, they were sure that this would be mere mischief, from which they could reap no benefit; but suffer the loss of their houses and goods, and all the means of their daily subsistence.

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Cicero therefore was well heard when, after dismissing the senate, he went directly into the rostra, and gave the people an account of the whole proceeding in the manner as above related: observing to them, "That the thanksgiving decreed in his name was the first that had ever been decreed to any man in the gown: that all other thanksgivings had been appointed for some particular services to the republic, this alone for saving it.—Romans, by the seizure of the accomplices of Catilina, all his hopes are blasted at once. When I was driving him out of the city, I foresaw that, if he was once removed, there would be nothing to apprehend from the drowsiness of Lentulus, the fat of Cassius, or the rashness of Cethegus. Catilina was the life of the conspiracy: he never took any thing to be done, because he had ordered it; but always followed, solicited, and saw it done himself. If I had not driven him from his secret plots into open rebellion, I could never have delivered the republic from its dangers, or never at least with so much ease and quiet. Catilina would not have named the fatal day for your destruction so long beforehand, nor ever suffered his hand and seal to be brought against him as the manifest proof of his guilt; all which has been so managed in his absence, that no theft in any private house was ever more clearly detected than this whole conspiracy."^k

Midd. p.
204.
In Cat. 3. 6.

Vid. supr.
p. 485.

^k "He added, that all this was the pure effect of a divine influence, as was evident, not only from its being above the reach of human counsel, but from the gods having so remarkably interposed in it as to shew themselves almost visible. For, not to mention the nightly streams of light from the western sky, the blazing of the heavens, flashes of lightning, earthquakes, &c. he could not omit what happened two years before, when the turrets of the Capitol were struck down with lightning; how the soothsayers, called together from all Etruria, declared, that fire, slaughter, the overthrow of the laws, civil war, and the ruin of the city, were portended, unless some means were found out for appeasing the gods: for which purpose they ordered a new and larger statue of Jupiter to be made, and to be placed in a position contrary to that of the former image, with its face turned towards the east, intimating

In Cat. 3.
8, 9.

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The next day (Dec. 4.) the senate ordered public rewards to the deputies and Vulturcius for their faithful discoveries.

The same day was brought before the senate one L. Tarquinius, said to have been taken upon the road as he was going to join Catiline. He offered to lay the whole of the plot before the house, provided he might have the security of the public faith for his pardon : the consul assented, and bid him declare what he knew. His account was much the same with that of Vulturcius, as to the projected firing of the city, the intended massacre, and the march of the rebel army to Rome. He added, that, when he was apprehended, he was going, by direction from Crassus, to warn Catiline not to be discouraged by the seizure of his accomplices, Lentulus, Cethegus, and the rest ; but to make the greater haste for that reason, in order to rescue them, and revive the spirits of his other friends.

At the name of Crassus the whole assembly seemed startled : for some looked upon the thing as incredible ; others, though they believed it true, yet judged, that a man of his high quality, immense wealth, and mighty sway in the state, should, at this juncture, be rather soothed and courted than provoked ; and very many there were, who, with respect to their private affairs, stood obliged¹ to Crassus, or in awe of him [probably that if it looked towards the rising sun, the Forum, and the senate-house, then all plots against the state would be detected so evidently, that all the world should see them.— That, upon this answer, the consuls of that year gave immediate orders for making and placing the statue ; but, from the slow progress of the work, neither they, nor their successors, nor himself, could get it finished till that very day, on which, by the special influence of Jupiter, while the conspirators and witnesses were carried through the Forum to the temple of Concord, in that very moment the statue was fixed in its place ; and being turned to look upon them and the senate, both they and the senate saw the whole conspiracy detected. ‘ And can any man (says he) be such an enemy to truth, so rash, so mad, as to deny, that all things which we see, and, above all, that this city is governed by the power and providence of the gods?’” He proceeds to observe, “ that the conspirators must needs be under a divine and judicial infatuation, and could never have trusted affairs and letters of such moment to men barbarous and unknown to them, if the gods had not confounded their senses : and that the ambassadors of a nation so disaffected, and so able and willing to make war upon them, should slight the hopes of dominion, and the advantageous offer of men of patrician rank, must needs be a divine interposition ; especially when they might have gained their ends, not by fighting, but by holding their tongues.”

¹ Crasso ex negotiis privatis obnoxii. Sallust.

In Cat. 3.
8, 9.

deep in his debt], so that they all cried out, “A false witness! a false witness!” and would have the sense of the house (which was then very full) immediately taken upon what he had said: Cicero having put the question, they voted that Tarquinius’s evidence was false; and that he should be committed to prison, and there confined, till he disclosed at whose instigation he had forged so monstrous a lie. Some there were at that time who thought this information a contrivance of P. Autronius, to the end that Crassus, being involved in the same danger with the conspirators, might protect them by his power. Others said, that Tarquinius was put upon it by Cicero, to prevent Crassus from embroiling the state, by undertaking the protection of bad citizens, as was his custom. “I myself (adds Sallust) heard Crassus affirm, that Cicero was the contriver of this affront upon him.”

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Yet, at this very time, Q. Catulus and C. Piso could not, by the most pressing solicitations, nor by any offers whatever, prevail with Cicero to have Cæsar falsely accused by the Allobroges, or by any body else. Those two senators bore an inveterate enmity to Cæsar; Piso on account of Cæsar’s having impeached him (as above related) of oppressive government; and Catulus, because Cæsar had stood in competition with him for the high-priesthood, and, though but a young man, had carried it from him, who was advanced in years, and had filled the highest offices. Both these implacable enemies thought they had now a favourable opportunity of bringing Cæsar under suspicion; his great liberality to private persons, and his largesses to the people, having plunged him very deep in debt. Not being able to persuade the consul to so black a villany, they themselves went about from citizen to citizen, whispering calumnies, and charging Cæsar with facts which they pretended to have learnt from Vulturcius and the Allobrogian deputies; insomuch, that some of the Roman knights, who were posted about

Vid. supr.
p. 417.

P. 422.

Sallust.

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Middl.
p. 209.

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p. 208.

the temple of Concord, as a guard to the senate, threatened Cæsar with their drawn swords as he came out of the assembly.

And now the city was alarmed with the rumour of fresh plots, formed by the slaves and dependants of Lentulus and Cethegus for the rescue of their masters; which obliged Cicero to reinforce his guards;^m and, for the prevention of all such attempts, to put an end to the whole affair, by bringing the question of their punishment, without farther delay, before the senate, which he summoned for that purpose the next morning (Dec. 5.)

The debate was of great delicacy and importance; to decide upon the lives of citizens of the first rank. A full senate had indeed declared them guilty of treason against the state: but capital punishments were rare and ever odious in Rome, whose laws were of all others the least sanguinary: banishment, with confiscation of goods, being the ordinary punishments for the greatest crimes. The senate, indeed, as it has been said above, in cases of sudden and dangerous tumults, claimed the prerogative of punishing the leaders with death by the authority of their own decrees; but this was looked upon as a stretch of power, and an infringement of the rights of

^mThe same night his wife Terentia, with the vestal virgins and the principal matrons of Rome, was performing at home, according to an annual custom, the mystic rites of the goddess Bona, or the Good, to which no male creature was ever admitted, and, till that function was over, he was excluded also from his own house, and forced to retire to a neighbour's, where, with a select council of friends, he began to deliberate about punishing the traitors; when his wife came in all haste to inform him of a prodigy which had just happened amongst them; for the sacrifice being over, and the fire of the altar seemingly extinct, a bright flame issued suddenly from the ashes, to the astonishment of the company; upon which the vestal virgins sent her away, to require him to pursue what he had then in his thoughts for the good of his country, since the goddess by this sign had given great light to his safety and glory.

It is not improbable, that this pretended prodigy was projected between Cicero and Terentia, whose sister likewise was one of the vestal virgins; and, having the direction of the whole ceremony, might help to effect, without suspicion, what had been privately concerted amongst them. For it was of great use to Cicero to possess the minds of the people, as strongly as he could, with an apprehension of their danger, for the sake of disposing them the more easily to approve of the resolution, that he had already taken in his own mind, of putting the conspirators to death. M. Morabin observes, that Cicero says nothing of all this. The reason might be, that the private consultation, and resolutions there made, were illegal.

the people, which nothing could excuse but the necessity of times and the extremity of danger. For there was an old law of Porcius Læca, a tribune, which granted to all criminals, capitally condemned, an appeal to the people; and a later one of C. Gracchus to prohibit the taking away the life of any citizen without a formal hearing before the people: so that some senators, who had concurred in all the previous debates, withdrew themselves from this, to shew their dislike of what they expected to be the issue of it, and to have no hand in putting Roman citizens to death by a vote of the senate. The consul having moved the question, what was to be done with the conspirators, Silanus, one of the consuls elect (being the first called upon to speak), advised,ⁿ that those who were then in custody, and also the rest, when taken, should all suffer the last or severest punishment, *i. e.* be put to death. To this all who spoke after him readily assented, till it came to Julius Cæsar, then prætor elect, who treated that opinion not as cruel, but as new and illegal, and contrary to the constitution of the republic.

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Cic. pro Rab. 4.

In Cat. 4, 5.

“ All men, conscript fathers, when they are deliberating upon matters of moment and of difficult determination, ought to be quite free from love and hatred, pity and anger; because these passions never fail to cast such a cloud over the mind, as hinders the discernment of what is true and what is eligible. Let us be careful that our own dignity weigh more with us than the guilt of Lentulus and his associates; let us consult our reputation more than our resentment. Could a punishment

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ⁿ While the prisoners were before the senate, Cicero desired some of the senators, who could write short-hand, to take notes of every thing that was said; and when the whole examination was finished, and reduced into an act, he set all the clerks at work to transcribe copies of it, which he dispersed presently through Italy and all the provinces, to prevent any invidious misrepresentation of what was so clearly attested and confessed by the criminals themselves.

Pro Sylla,
14, 15.

And, according to Plutarch (in Cat.), these writers in short-hand had been taught their art by Cicero, and took down the speeches of the members on the present occasion: and to this the historian ascribes the preservation of the speech which Cato made in answer to Cæsar; which speech, he says, is the only one of Cato's that was preserved: of which, however, he gives us but a sketch.

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be thought of equal to their crimes, I too should be for going out of the way on this provocation ; but, as that cannot be, let us go on in the path which the laws have chalked out for us.

“ Many of those who spoke before me have displayed a great deal of oratory in bewailing the unfortunate condition of their country ; they have enumerated all the horrors of war, and the sufferings to which the vanquished will be exposed ; virgins ravished ; children torn from their mothers’ bosoms ; matrons insulted by a victorious soldiery ; temples and houses plundered ; whole towns in flames ; all places filled with dead bodies, blood, and lamentation.—But, in the name of the immortal gods, what does all this profusion of eloquence aim at ? Is it to excite in your minds a detestation of the conspirators ? Yes, without question. Those whom a design so monstrously wicked cannot move, will be moved by a florid oration. Where is the man who underrates the injuries done to himself, and is not rather apt to exaggerate them beyond all reason ? But some may do this with more safety than others ; men in low life, if they are led too far by anger, their excesses are hid in the obscurity of their state : but those who are in high stations have less liberty of acting ; for what is called anger in a private man is censured as tyranny and oppression in a governor. It is my real opinion (as I just now said), that no punishment, no tortures, are adequate to the crimes of these men : but the temper of mankind is such, that they remember best what happened last, and, in cases of the most notorious wickedness, are apt to forget what the guilty did, and to talk only of what they suffered, especially if the punishment inflicted on them was, in any degree, more than commonly severe. I am entirely persuaded that D. Silanus, in the advice he gave, meant nothing but the public good. I am too well acquainted with his virtue and moderation, to imagine that he spoke from a desire to make his court to any

body, or from enmity to the prisoners. Yet his advice seems to me, I will not say cruel, (for what can be cruel against such offenders?) but illegal, novel to our constitution. Certainly, Silanus, it must have been fear for the public, which moved you, our consul elect, and who are to be guardian of our laws, to propose a punishment unknown to them. How needless that fear is, I need not say, since, by the wisdom and care of our most excellent consul, so considerable a force is provided for our security. As to the punishment proposed, one may with truth affirm, that, to the wretched, death is rather a benefit than an evil: it is a release from all the pains incident to humanity. Beyond death there is no place either for anguish or delight.

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“ But let me ask, why did you not add to the sentence of death, that they should be first beaten with rods? Was it because the Porcian law forbids it? There are other laws that equally forbid punishing a condemned citizen with death, and that permit him to go into banishment. Did you spare the prisoners from being beaten with rods, because it is a severer punishment than death? (What can be too severe for persons convicted of such crimes?) If you look on scourging as a punishment less severe than death, why this tenderness for the laws in a matter of less concern, while you scruple not to violate them in a greater? But you may say perhaps—Who will censure us for any punishment we shall decree against traitors to the commonwealth? I answer,—Time, a very little time, and fortune that rules the world at pleasure, may produce such censurers. The criminals deserve the worst that can befall them; but do you, conscript fathers, consider well what you resolve upon in this case: bad precedents have, generally speaking, been innocent in their origin. An example set by worthy magistrates of assuming arbitrary power, on urgent occasions, and for good purposes, has been often pleaded by bad and ignorant men as a precedent to justify their assuming the

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same power, when their purpose was to abuse it. The Spartans, when they had got the better of the Athenians, appointed thirty persons for the government of the conquered state. These new governors began with condemning to death several of the most profligate and most detested citizens without any previous trial in form. The multitude rejoiced at it, and applauded the dispatch of justice. But in time these governors came to treat the good and bad alike; they put to death whomever of the citizens they pleased; and the rest lived in terror of the same fate. The people then finding themselves enslaved, suffered grievously for their foolish joy.

“ In our own times, when Sylla had vanquished Marius, and ordered Damasippus and some others, who, like him, had enriched themselves out of the spoils of the public, to be put to death, who was there that did not applaud his justice? But these executions were only a prelude to more bloody scenes. For, when any of Sylla’s partizans took a fancy to the town-house or the country-house of a Roman citizen, or even to his garment, or to a piece of his household furniture, he had nothing to do but to get the owner’s name put into the list of the proscribed. Thus many, who had rejoiced at the fall of Damasippus, were themselves dragged to execution; and the carnage continued till Sylla had enriched all his followers. I apprehend not indeed any thing like this from Marcus Tullius, or in these times. But in a mighty state, as ours is, there is a great variety of men and manners. In other times, and under another consul, who may likewise have an army at his devotion, some false story may pass current for a truth, and then your present decree will be a precedent for him to draw the sword; and, when it is drawn, who shall oblige him to use it moderately or to sheath it again?

“ Our ancestors, conscript fathers, though wanting neither prudence nor bravery, were not so haughty as to disdain to look into the customs and institutions of the

nations around them, and to imitate them in the things wherein each nation excelled. Thus they borrowed weapons of war from the Samnites, and the ensigns of our magistrates from Etruria; whatever they thought useful, whether found among their allies or among their enemies, they introduced into our state. In those times, by a custom which they had borrowed from Greece, they subjected offending citizens to be beaten with rods, and such as were capitally convicted, they sentenced to death. Afterward, when, our state being vastly augmented, the prodigious number of its citizens had given birth to factions, and innocent men began to be circumvented, and such-like wickedness to be practised; then the Porcian law was provided; and likewise other laws, by which, instead of death, exile was to be the punishment of citizens capitally condemned. This institution of our forefathers has great weight with me; I think we should be cautious how we break in upon it. Certainly they who, from so small beginnings, could raise this mighty empire, must, in virtue and wisdom, have excelled us, who have a difficulty to preserve what they so worthily acquired.

“Are we then to release these criminals, and send them away to reinforce the army of Catiline? By no means. My opinion is, that their estates be confiscated, and their persons closely confined in the strongest of the municipal towns (each of the criminals in a distinct town), and that no person hereafter move the senate or people in their favour: and let it be declared as the opinion of this house, that, whoever shall do so, will act contrary to the welfare of the republic and of all its members.”

Cæsar's discourse made a great impression on the assembly; even Silanus excused and mitigated the severity of his vote; and Cicero's friends came readily into Cæsar's opinion, as likely to create the least trouble to Ci-

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Plut. in
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cero himself, for whose peace and safety they now saw reason to be solicitous.

But Cato, one of the new tribunes, rose up, and in a good deal of warmth began with observing, that those who had spoken before him had all mistaken the question : that he was surprised to see any debate about the punishment of men who had commenced an actual war against their country : that the question was how to secure themselves against the conspirators, rather than how to punish them : that other crimes might be punished after commission ; but unless this was prevented before its effect, it would be in vain to seek a remedy after : that the debate was not about the public revenues, or the oppression of the allies, but about their own lives and liberties ; not about the discipline or manners of the city, on which he had often delivered his mind in that place ; nor about the greatness or prosperity of their empire ; but whether they or their enemies should possess that empire ;——“ In the name of the immortal gods, I call upon you, who have always had your magnificent houses and your villas, your statues and your pictures, more at heart than the interest of the republic ;° I call upon you to rouse yourselves for once, and stand up in defence of your country, if you would preserve those things you are so fond of, and enjoy, without interruption, that voluptuous indolence in which you pass your days. Often have I spoke, conscript fathers, and much have I complained in this assembly of the rapacious covetousness and prodigal luxury which prevail among us ; and those complaints have created me many enemies. But I, who never was disposed to excuse in myself even an inclination to evil, cannot readily pardon the evil deeds of others. You have long since lost the true names of things : to give away other people’s money is called generosity ; to attempt what is criminal, fortitude. If you must be ge-

° These were Cicero’s worthies, those consulars who had enriched themselves by oppressing the provinces of which they had the government after the expiration of their magistracies.

nerous, let it be from the spoils of the allies ; if merciful, to the plunderers of the treasury ; but be not prodigal of the blood of citizens ; nor, by sparing a few bad, destroy all the good. Shall any one in the present case talk to me of mildness and clemency ? There is no room for mercy. Cæsar indeed has spoken well and gravely concerning life and death, judging, I presume, that all we are told of punishments allotted to the wicked in the infernal regions is mere fiction ; and he would therefore have the estates of the criminals confiscated, and their persons closely confined in the municipal towns ; from an apprehension, I suppose, that, if they should be kept at Rome, they might be forcibly rescued by their fellow-conspirators, or by a mob, hired for that purpose : as if villains were no where but in Rome, and not in every part of Italy ; or as if the attempts of the desperate would not be more likely to succeed where there is less strength to resist them : his proposal has not the least show of reason, if he be truly afraid of them : but if, while every body else is in fear, he alone fears nothing, there is the more reason for us, conscript fathers, to be afraid for ourselves. We are not now deliberating on the fate only of Lentulus and the other prisoners, but of Catilina's whole army, which will be animated or discouraged in proportion to the vigour or remissness of your decrees.—The flagitious lives of the criminals confute every argument of mercy : Catilina is hovering over us with an army, while his accomplices are within the walls, and in the very heart of the city ; so that whatever you determine cannot be kept secret, which makes it the more necessary to determine quickly. My opinion therefore is, that, since the criminals have been convicted, both by testimony and their own confession, of a detestable treason against the republic, they should suffer the punishment of death according to the custom of our ancestors.”^p

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^p Plutarch reports, that, while Cato was speaking, a sealed letter was delivered Plut.in Cat.

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Vell. Pat.
l. 2. c. 35.

The leading men of the senate, the oligarchs, having, in concert with Cicero, come to the assembly, determined^a to put the prisoners to death, had therefore voted accordingly; but some being convinced by Cæsar's discourse, others alarmed by it, they retracted their votes, and Silanus himself, if he did not retract, explained his vote away, pretending, that by "the last punishment" he did not mean death, but the severest punishment that could be legally inflicted on a Roman citizen: nevertheless they all turned now to their first opinion, being encouraged to it by Cato's authority, not only as a senator highly and universally revered for his virtue, but as being at this time a tribune of the people: they extolled him to the skies for his resolution, and reproached one another with cowardice. Cato was the only hero. A decree, therefore, was drawn conformable to Cato's opinion, and in his very words; and the greater part of the senate, to do him honour, waited upon him home.

The consul, thus authorized, resolved to put the decree in execution without delay. Accompanied by a great number of the principal men of the city, who served him for a guard, he went and took Lentulus from the custody of his kinsman Lentulus Spinther, and con-

to Cæsar in the senate-house: that Cato, suspecting it might contain some secret advice, from the conspirators, insisted upon its being read to the assembly. Whereupon Cæsar, who sat near him, delivered the paper into his hands. Cato presently perceived it to be a love-letter from his own sister, Servilia, with whom Cæsar had long had an intrigue: the angry stoic threw back the paper to him; "There, sot!" and then resumed the thread of his discourse: in which discourse he addressed himself to Cæsar in particular, "reproaching him with an affectation of popularity and lenity, while he was subverting the commonwealth; and with endeavouring to intimidate the senate, while he himself ought to tremble with fear, lest he should be treated as an accomplice of the conspirators, for having so openly and so audaciously endeavoured to rescue them out of the hands of justice; confessing that he had no compassion for his country, when he saw it upon the very brink of destruction; and yet being so tender-hearted, as almost to shed tears over villains, who ought never to have seen the light of heaven, and whose death was necessary for securing the city from a massacre and a conflagration." If Cato did really scold in this manner, he must unquestionably have been prompted to it by his flaming wrath, which the billet-doux above mentioned had suddenly kindled. The speech which Sallust ascribes to him, though not so intemperate, is far from being a reasonable answer to Cæsar's discourse.

^a Cicero declares this of himself in a letter to Atticus [Lib. 12. Ep. 21.] where he complains of Brutus for not having done him justice, in a relation which Brutus had written of what passed at this time in the senate. "Me autem hic laudat, quod retulerim, non quod patefecerim, quod cohortatus sim, quod denique ante, quam consulerem, ipse judicaverim."

veyed him through the Forum to the common prison. The multitude, greatly astonished, followed in silence; the younger sort, especially, were much terrified with this shocking ceremony; a thing quite new to them, and which they considered as a dreadful mystery of aristocratical government. Lentulus was delivered by the consul to the executioners, who presently strangled him: Cethegus, Statilius, and Gabinius, were conducted to their execution by the prætors, and put to death in the same manner, together with Cæparius, the only one of their accomplices who was taken after the examination.

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Plut. in
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As Cicero, in his return from these executions, perceived in the Forum a great many of Catiline's accomplices, who had got together in clusters, and were waiting for the night, in hopes of being then able to rescue the prisoners, he cried out to them with a loud voice, "They did live" [*vixerunt*]: a mode of speech among the Romans, to avoid the disagreeable and ominous sound of the word *dead*.

The affair thus over, the whole body of the senate, together with the knights, conducted the consul home in a kind of triumph, the streets being illuminated, and the women and children at the windows, and on the tops of houses, to see him pass along through infinite acclamations of the multitude, proclaiming him the preserver of his country, and second founder of Rome.

This was the 5th of December, those celebrated nones, of which Cicero used to boast ever after as the most glorious day of his life.

Middl.
p. 222.

By the seizure and punishment of Catiline's associates, the senate thought the danger wholly averted; and they, accordingly, proceeded to vote thanksgivings and festivals, looking upon Catiline's army as a crew of fugitives or banditti, whom their forces were sure to destroy whenever they could meet with them.

Ib. 223.

Cicero's administration being now at an end, nothing remained but to resign the consulship, according to cus-

Ib. 231.

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Ep. Fam.
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In Pison. 3.

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p. 230.

tom, in an assembly of the people, and to take the usual oath, of his having discharged it with fidelity. This was generally accompanied with a speech from the expiring consul; and after such a year, and from such a speaker, the city was in no small expectation of what Cicero would say to them: but Metellus Nepos, one of the new tribunes (who had entered on their office the 10th of December), resolved to disappoint both the orator and the audience: for when Cicero had mounted the rostra, and was ready to perform this last act of his office, the tribune would not suffer him to speak, or to do any thing more than barely to take the oath, declaring, that he who had put citizens to death unheard, ought not to be permitted to speak for himself: upon which, Cicero, who was never at a loss, instead of pronouncing the ordinary form of the oath, exalting the tone of his voice, swore out aloud, so as all the people might hear him, that he had saved the republic and the city from ruin; which the multitude below confirmed with a universal shout, and with one voice cried out, that what he had sworn was true; and thus the intended affront was turned by his presence of mind to his greater honour.^s

^r Plutarch names two tribunes, Metellus and Bestia, as making this opposition; and intimates that they were instigated to it by Cæsar, then prætor elect.

^s “ Before we close the account of the memorable events of this year, we must not omit (says Cicero’s English historian) the mention of one which distinguished it afterward as a particular era in the annals of Rome, the birth of Octavius, surnamed Augustus, which happened on the 23d of September. Velleius calls it an accession of glory to Cicero’s consulship: but it excites speculations rather of a different sort; on the inscrutable methods of Providence, and the short-sighted policy of man; that in the moment when Rome was preserved from destruction, and its liberty thought to be established more firmly than ever, an infant should be thrown into the world, who, within the course of twenty years, effected what Catiline had attempted, and destroyed both Cicero and the republic. If Rome could have been saved by human counsel, it would have been saved by the skill of Cicero: but its destiny was now approaching. For governments, like natural bodies, have, with the principles of their preservation, the seeds of ruin also essentially mixed in their constitution, which, after a certain period, begin to operate and exert themselves to the dissolution of the vital frame. These seeds had long been fermenting in the bowels of the republic; when Octavius came, peculiarly formed by nature, and instructed by art, to quicken their operation, and exalt them to their maturity.”

What is here said of the resemblance of governments to natural bodies is unquestionably true: but for the rest of this religiously grave speculation, what solidity is there in it? Cicero had preserved the city from being set on fire, and, perhaps, the greater part of the senators from being massacred; but the illegal method he had taken, without necessity, to do those services, far from establishing liberty more firmly than ever, or having a tendency to restore liberty (of which there was hardly a shadow remaining), hastened the introduction of despotic monarchy. And the spe-

Catiline was in a condition to make a stouter resistance than the senate had imagined: he had filled up his troops to the number of two legions, or about 12,000 fighting men, of which a fourth part only was completely armed, the rest furnished with what chance offered, darts, lances, clubs. Trusting to the proper strength of the conspiracy, he refused at first to enlist slaves, who flocked to him in great numbers. He knew that he should quickly have soldiers enough, if his friends performed their part at home: so that when the consul Antonius approached towards him with his army, he shifted his quarters, and made frequent motions and marches through the mountains, sometimes towards Gaul, sometimes towards the city, in order to avoid an engagement, till he could hear some news from Rome: but when the fatal account came, of the death of Lentulus and the rest, the face of his affairs began presently to change, and his army to dwindle apace, by the desertion of those, whom the hopes of victory and plunder had drawn to his camp. His first attempt, therefore, was, by long marches and private roads through the Apennine, to make his escape into Gaul; but Q. Metellus Celer, who had been sent thither before by Cicero, imagining that he would take that resolution, had secured all the passes, and posted himself so advantageously with an army of three legions, that it was impossible for him to force his way on that side; whilst, on the other, the consul Antonius, with a much greater force, blocked him up behind, and enclosed him within the mountains. It is said that Antonius had no inclination to fight with Catiline, but would willingly have

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Middl.
p. 123.

Sallust. 56.

Ib. 57.

culatation of the reverend historian on the inscrutable methods of Providence would certainly have appeared not less ingenious, if it had been to this effect: That, during the consulship of Cicero, who, when prætor, had, for the sake of his own advancement, given the first stab to the Roman aristocracy, by persuading the people to pass the Manilian law; and who, from a zeal to support that aristocracy, when it was his private interest to have it supported, gave the second stab to it, when consul, by an evil example of dispensing with the laws unnecessarily, an infant should be thrown into the world, who, in the course of a few years, gave the finishing blow to the aristocratic domination, and delivered up Cicero, its most eloquent and most loquacious advocate, to the sword of his particular and implacable enemy.

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Pro Sext.
5.

Dio, l. 37.
p. 47.

Sallust.

given him an opportunity to escape, had not his quæstor Sextius (who was Cicero's creature), and his lieutenant Petreius, urged him on, against his will, to force Catiline to the necessity of a battle: who, seeing all things desperate, and nothing left but either to die or conquer, resolved to try his fortune against Antonius, though much the stronger, rather than against Metellus, in hopes (says Dio), that, out of regard to their former friendship and connexions, the consul might possibly contrive some way at last of throwing the victory into his hands. But Antonius happening to be seized at that very time with a fit of the gout, or pretending so to be, the command fell of course to his lieutenant Petreius. This officer had served with great reputation for above thirty years together in the army, either as a tribune, a prefect, a lieutenant, or a prætor; so that he was acquainted with most of the soldiers, and with the gallant actions they had performed; by the mention of which he spirited them up to maintain their character: and at the same time he represented to them that they were going to fight for their altars, their children, their country, against a gang of robbers, who were not half armed.

On the other hand, Catiline, having first, in a speech to his followers, urged them by every motive he could think of to exert their utmost courage, sent away all the horses in his army, and amongst the rest his own, choosing to fight on foot, that by letting his men see the danger to him and to them was equal, they might be the more animated to a gallant behaviour. All his centurions, his *evocati* [experienced veterans who had served out their legal time], and the stoutest and best armed of his other soldiers, he placed in the front, where he himself stood by Marius's silver eagle, before mentioned. To Manlius he gave the command of the right; to a native of Fesulæ the left. A desperate battle ensued. The legions of the republic fought with uncon-

querable bravery, those of Catiline with desperate and immoveable obstinacy; resolved to vanquish or die, not a man recoiled; there was not one who would either give or accept of quarter. Catiline, at the head of a select company, moved about in the van, relieving those who were hard pressed, bringing up fresh men to supply the place of the wounded, and providing for all exigencies: he himself often fighting in person, and performing the part of a stout soldier as well as of a good commander. Petreius, finding a resistance beyond his expectation, brought up the prætorian cohort against the enemy's centre, which was thereby broken; and though they rallied here and there, faced about upon him, and made some short resistance, in the end he put them all to the sword; and then turned upon the flanks of the wings. Manlius and the Fesulan, the two commanders, were among the first that fell. Catiline, seeing his forces reduced to a very small number, and calling to mind (as Sallust supposes) his noble family, and the figure he had formerly made in the world, rushed into the thickest of the enemy, and was there slain, fighting to the last. Some few soldiers of the centre (which had been broke by the prætorian cohort) lay scattered about, yet not one of them wounded in the back. Except these, almost every one lay dead upon the very spot where he had stood at first. But Catiline himself was found at a great distance from his own men, among the dead bodies of his enemies. Not yet quite breathless, he retained, in the agonies of death, that fierceness of countenance which had been always natural to him. Out of the whole number of the rebels not so much as one man, above the rank of a slave, was taken, either fighting or running away. It proved a bloody and a mournful victory to the army of the republic, the bravest men of the legions being all either killed or grievously wounded.

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Thus ended this famed conspiracy in the beginning

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Midd. p.
226.

In Pison. 3.

Plut. in Cic.
et Appian,
p. 431.

Plin. Hist.
Nat. l. 7.
30.

of the consulship of Silanus and Muræna. “ Whilst the sense of all Cicero’s services (says his English historian) was fresh, he was repaid for them to the full of his wishes, and in the very way that he desired, by the warm and grateful applauses of all orders of the city. For, besides the honours already mentioned, L. Gellius, who had been consul and censor, said in a speech to the senate, that the republic owed him a civic crown for saving them from ruin. And Catulus, in a full house, declared him the father of his country, as Cato likewise did from the rostra, with the loud acclamations of the whole people : whence Pliny, in honour of his memory, cries out, ‘ Hail thou, who wast first saluted the parent of thy country.’ This title, the most glorious that a mortal can wear, was, from this precedent, usurped afterward by those who of all mortals deserved it the least, the emperors ; proud to extort from slaves and flatterers what Cicero obtained from the free vote of the senate and people of Rome.

Roma ‘ Parentem,’
Roma ‘ Patrem patriæ’ Ciceronem libera dixit. JUV. 8.
Thee, Cicero, Rome, while free, nor yet enthrall’d
To tyrant’s will, thy country’s parent call’d.

In Pison.
11.

All the towns of Italy followed the example of the metropolis in decreeing extraordinary honours to him ; and Capua in particular chose him their patron, and erected a gilt statue to him.

“ Sallust, who allows him the character of an excellent consul, says not a word of any of these honours, nor gives him any greater share of praise than what could not be dissembled by an historian. There are two obvious reasons for this reservedness ; first, the personal enmity, which, according to tradition, subsisted between them : secondly, the time of publishing his history, in the reign of Augustus, while the name of Cicero was still obnoxious to envy.”

To this it may be answered, that Sallust might think the compliments made to the consul by particular se-

nators of his own faction not worthy of an historian's notice: that he has related the affair throughout, not like an enemy to Cicero, but in a manner so honourable for him, as to make some think, that the misunderstanding between them was not subsisting when Sallust wrote the history of Catiline's conspiracy.

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See Le
Clerc's Life
of Sallust.

But what shall we say of his omitting to mention Cicero's fourth oration against Catiline, and of his giving (as M. Morabin observes^t) all the honour of the day to Cato, to whom alone he ascribes the senate's being brought to decree the death of the conspirators? Cicero's English historian has built much upon that fourth oration, and has filled seven pages of his history with the substance of it: yet it is observable, that this notable speech is no where taken notice of by Plutarch in his life of Cicero, or of Cæsar, or of Cato; nay, Plutarch reports, that what Cicero said, after Cæsar had spoke, was in support of Cæsar's opinion. Nor is the said fourth oration mentioned by Appian, or Dio, or Suetonius, or Vell. Paterculus; and one may reasonably conjecture, from a letter of Cicero to Atticus, L. 12. Ep. 21. that, seven years after Cicero's consulship, neither Brutus nor Atticus knew any thing of that fourth oration; which was probably composed on occasion of Brutus's having given more honour to Cato, in relating the debate about Catiline, than Cicero thought was consistent with his own glory: indeed it seems to have many internal probable proofs of its being, not an extemporary speech, but a laboured composition, made at leisure, many years after the debate; a disgusting panegyric upon his own foresight, wisdom, disinterestedness, magnanimity, prodigious courage, and contempt of death; though Plutarch, writing of this very transaction, tells us, that the orator was in no reputation for courage.

^t Caton, dans Salluste, a tout l'honneur de cette journée; en sorte qu'on ne sait auquel croire, ou de l'historien qui rapporte le fait à l'avantage de celui-là, ou de notre orateur qui s'en attribuant toute la gloire, devient son propre panégyriste. Morab. Hist. de Cic. p. 143.

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sulship.
Middl.
p. 211.

His English historian, concerning the debate in the senate, writes thus:—

“These two contrary opinions (that of Silanus and that of Cæsar) being proposed, the next question was which of them should take place. Cæsar’s had made a great impression on the assembly, and staggered even Silanus, who began to excuse and mitigate the severity of his vote; and Cicero’s friends were going forwardly into it as likely to create the least trouble to Cicero himself, for whose peace and safety they began to be solicitous: when Cicero, observing the inclinations of the house, and rising up to put the question, made his fourth speech, which now remains, on the subject of this transaction; in which he delivered his sentiments with all the skill both of the orator and the statesman; and while he seemed to shew a perfect neutrality, and to give equal commendation to both the opinions, was artfully labouring all the while to turn the scale in favour of Silanus’s, which he considered as a necessary example of severity in the present circumstances of the public.”

That this masterpiece of oratory and political skill was never spoken, one may reasonably conclude from the following considerations:—

Middl.
p. 213.

* Suet. in
Cæs. 14.

1. He tells the house that there are two opinions before them, whereas in reality there was but one; for Silanus, and all those who had assented to what he at first advised (among whom was the consul’s* brother Quintus), had gone over to Cæsar’s opinion.

2. He represents Cæsar as voting for every other way of punishment except death, which not being true, but directly contrary to what Cæsar had advised, it is not likely the orator, while Cæsar was present, would impute it to him. For instance, Cæsar did not advise to have the criminals beaten with rods, but speaks of that punishment as no less illegal, without a hearing and judgment of the whole people, than death itself.

3. He represents Cæsar as having voted for perpetual imprisonment, which his words, in the speech given us by Sallust, do not import: neither could a vote of the senate deprive the people of their right of judging the prisoners, and determining their fate.

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Add to this, that Cæsar (according to Plutarch's repeated testimony) moved for the close confinement of the prisoners only till Catiline should be defeated and crushed, and more ample information of the conspiracy could be taken at leisure. And Appian says expressly, that the imprisonment proposed by Cæsar was only till the war should be ended, and the criminals could be brought to trial.

Plut. in
Cæs.
Id. in Cic.
et in Cat.

De Bell.
Civ. 431.

4. Cicero's answer to Cæsar, concerning Caius Gracchus's law, which forbade the punishing citizens, uncondemned by the people, with death, is quite ludicrous. "Enemies (says the orator) are no citizens; therefore the prisoners, having been declared enemies by the senate, have no title to the benefit of that law." Would he have talked thus, Cæsar present?

5. He affirms, that Caius Gracchus had suffered death by order of the people: a notorious falsity, and contradictory to what he had said in his first speech against Catiline. But, had it been true, would the orator thence infer, that the people were dissatisfied with the law in question? Or would he infer from the people's having sentenced Caius Gracchus to death, that the senate might legally inflict on a citizen the same punishment? Can we suppose such discourse from Cicero in full senate?

6. He refutes, beforehand, Cato's argument for putting the prisoners to death without trial, by saying, that the people were not wanting in their zeal and duty on this occasion; that the whole body of the people were assembled for the defence of the senate; that the whole Roman people were of one and the same mind. If so, there could be no ground to apprehend a rescue, nor

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therefore any necessity of sentencing the prisoners to immediate death.

If any admirer of Cicero's virtues should pretend, that more regard ought to be had to what Cicero himself says concerning the affair of Catiline, than to what Sallust has written, or any, or all of the writers above mentioned, this, to my apprehension, may be safely denied; nay, with great appearance of reason it may be said, that no one of those writers can possibly deserve less credit than Cicero, when his glory or the interest of his party is in question.

Plutarch informs us, that "Cicero, in an oration which he made upon his consulship, expressly wrote, that Crassus came to his house one night, and put into his hands a letter, containing an account of Catiline's proceedings; and assured him, at the same time, that the conspiracy, there spoken of, was real and certain." Yet the same Cicero, in another of his orations, which did not appear till after Crassus and Cæsar were dead, accused them both of being in that conspiracy. What shall we think of such a writer? What credit can he deserve as an historian? His English panegyrist makes no mention, in the proper place, of this nightly visit of Crassus to the consul; but, after he has finished the story, tells us, that "Crassus, who had always been Cicero's enemy, by an officiousness of bringing letters of intelligence to him, during the alarm of the plot, seemed to betray a consciousness of some guilt." I shall make no comment on this instance of the historian's immoveable prejudice against the supposed enemies of his hero.

Perhaps the reader will not be displeased, if some remarks, which have been made on Cicero's conduct in the affair of Catiline, should close this subject.

Dedication
of Gordon's
Translation
of Cic. Orat.

The solemn, sententious Mr. Thomas Gordon has pronounced, that Cicero, "in his consulship, saved the public with such high capacity as was hardly ever equalled, surely never exceeded, by that of any statesman; and with such high courage, as

was never surpassed by that of any hero." He proceeds: "I think no Roman but himself could have defeated the conspiracy of Catiline.—I question whether Pompey could, in Cicero's place, have done what Cicero did: I even question whether he would have ventured upon doing it.—Pompey was a wary and distrustful man; a quality commonly joined to limited parts: he was likewise a selfish man, making all his public proceedings subservient to personal ends; often pursuing those ends at the expense, and even at the peril, of the public."

[N. B. Cicero was a great admirer of Pompey: is it certain that he did not make Pompey his pattern of conduct in public affairs? Consider the part he acted in relation to the Manilian law: his unjust and cruel opposition to the sons of the proscribed: his intended defence of Catiline, &c.]

The facetious Colley Cibber, Esq. poet-laureat, not submitting to the sentence of this grave and wise judge, has, in a work dedicated to their common patron, made no scruple to deliver a contrary opinion.

In the entrance of his work, which was occasioned by Dr. Middleton's History of the Life of Cicero, he observes, that, "As the greatest part of Cicero's actions, in this history, are taken from his own account of them, we may reasonably suppose, they are set in full as good, if not a better light, than sometimes they will naturally bear."

After making himself merry with Cicero's shining breastplate, considering it as mere grimace, an expedient unworthy of the spirit of a consul, he thus continues:

"We are now entering upon the notorious conspiracy of Catiline, the defeat of which Cicero has it at heart to erect into the monument of his glory: but, in giving it our equal admiration, let us follow his own advice,* by first inquiring, what share either chance, rashness, or prudence, had in this memorable transaction.—"

"When, by his vigilance and management with Fulvia (a mistress to one of the conspirators), he was master of Catiline's whole scheme, and of his resolutions taken for the execution of it, Cicero brings at the same time his discovery of the plot, and his accusation of Catiline before the senate, without thinking it necessary to shew any farther evidence than the splendour of his eloquence to support it; which notwithstanding so far prevailed, that the senate gave an entire credit to the charge, and looked upon Catiline with the abhorrence due to a criminal condemned. But Catiline, less dismayed by the orator, and observing no witness produced to confront him, so boldly stood upon his innocence, that, in defiance of his accuser, he represented the whole as a fiction of his enemy, offering to give security for his behaviour, and to deliver himself to the custody of any whom the senate would name, even to Cicero himself. But Cicero plainly told him, that he should never think himself safe in the same house, when he was in danger by living in the same city with him."

"Such a pretty-turned conclusion might sound well in the original round cadence of a Ciceronian period; but, when our ear has been pleased, what has it said to our understanding? Why, that, because it was not safe to live in the same city with a traitor, it must therefore be dangerous to secure him! If Cicero had a better reason for letting him escape, might not this as well have been concealed?"

The ingenious translator of many of Cicero's orations, in a note on that part of the first oration against Catiline, which speaks of his offer to surrender himself a prisoner, and the rejection of that offer, thus expresses his surprise: "Why, in the name of Heaven, did not Cicero accept of Catiline's offer? Why was so fair, so frank a proposal rejected by the government? The reason he gives here is an affront upon the common sense of mankind. Was there not a place in Rome close or secure enough to confine this dangerous, detestable rebel, in whose single person all the hopes of the conspirators entered?"—What a plausible argument might such an advocate as Cicero have formed, in extenuation at least of the crime of Catiline's conspiracy against the senate, from the senate's conspiracy against him, plainly disco-

against Cat.
to Mr. Dod-
dington,
1744.

Character
and Conduct
of Cicero
considered,
&c. 1747.

Vid. supr.
p. 469.

P. 51.

*Vid. supr.

P. 460.

Vid. supr.
p. 471.

Guthrie's
Orat. of
Cic. transl.
p. 23.
note n.

vered by their refusing him a fair trial, even when he offered his person as security for his standing it!

Middl.
p. 189.

Cicero's English historian makes the following apology for this part of his conduct :
 " It will seem strange to some, that Cicero, when he had certain information of Catiline's treason, instead of seizing him in the city, not only suffered but urged his escape, and forced him as it were to begin the war. But there was good reason for what he did, as he frequently intimates in his speeches: he had many enemies among the nobility, and Catiline many secret friends; and though he was perfectly informed of the whole progress and extent of the plot, yet, the proofs being not ready to be laid before the public, Catiline's dissimulation still prevailed, and persuaded great numbers of his innocence; so that if he had imprisoned and punished him at this time, as he deserved, the whole faction were ready to raise a general clamour against him, by representing his administration as a tyranny, and the plot as a forgery contrived to support it: whereas, by driving Catiline into rebellion, he made all men see the reality of their danger, while, from an exact account of his troops, he knew them to be so unequal to those of the republic, that there was no doubt of his being destroyed, if he could be pushed to the necessity of declaring himself before his other projects were ripe for execution. He knew also, that if Catiline was once driven out of the city, and separated from his accomplices, who were a lazy, drunken, thoughtless crew, they would ruin themselves by their own rashness, and be easily drawn into any trap which he should lay for them: the event shewed that he judged right; and by what happened afterward, both to Catiline and to himself, it appeared, that, as far as human caution could reach, he acted with the utmost prudence, in regard as well to his own as to the public safety." Surely, if we are to judge by the event, this shewed just the contrary of what is here said: it shewed that Cicero acted with the utmost imprudence, in regard to the safety of the public; so many brave Romans, as fell in the consequent battle, being sacrificed wholly to his unreasonable and cowardly fears for his own person.

But let us attend to the laureat's observations:

Cib. p. 52.
Middl.
p. 177.

" This confident offer of Catiline, with his impudence of coming afterward to the Capitol, while under such an accusation, so provoked the consul, that he broke out into a most severe invective against him, and with all the fire and force of an incensed eloquence, laid open the whole course of his treasons, and the notoriety of his villanies.

" This we must have allowed him to have done in all the strongest colours that could paint the crime, or the criminal, as an object of danger, terror, and detestation. But still, without some evidence of the facts alleged, in what was this flaming eloquence to avail against Catiline? Could it have any greater force than an indictment well opened against him, which passes for no more than a mere fine speech till the allegations of it are proved? Or, if it was necessary to make Catiline odious before he was condemned, would he have been less odious from evidence than from a bare invective accusation? Or, if his evidence was not judicially prepared, why was Cicero so forward with his accusation?"

It may likewise be asked, With what appearance of reason could the senate take so dangerous and illegal a step as to arm the consuls with despotic power, if they had not evidence of this plot sufficient to convict Catiline? and, if they had, what occasion could there be to grant such a commission to the magistrates against a man, whose liberty, and even life, was absolutely in their power?

Cib. p. 53.

Middl.
p. 179.

The laureat observes that Cicero, though, in virtue of the senate's decree, he might have taken away the life of Catiline, by an executioner, thought the best way of dispatching him was to talk him into his own destruction. " He exhorts, urges, and commands him to depart, and, if he would be advised by him, to go into a voluntary exile, and free them from their fears, &c.—Or, if he would not go into exile, to go, at least, where he was expected, into Manlius's camp, and begin the war."

And then—what was to become of him? “Why there (says he) he might riot and exult at his full ease, without the mortification of seeing one honest man about him—There he might practise all that discipline to which he had been trained, of lying upon the ground, not only in the pursuit of his amours, but of bold and hardy enterprises; there he might exert all that boasted patience of hunger, cold, and want—by which, however, he would shortly find himself—undone.” Cib. p. 54, 55.

“Anon we shall see whether Cicero or fortune had the greater share in his ruin; but, as the case yet stands, does not that martial patience of those hardships Cicero seems to upbraid him with, shew Catiline more a formidable than a contemptible enemy? and was that a reason for rather defying him to the field than condemning him to the scaffold?—Cicero himself is not so sure of this expedient, but that he confesses it needs an apology: for, after his imagining what would be and owning what had been said against it without doors, he says—

“‘To this most sacred voice of my country I shall make this short answer, that if I had thought it the most advisable to put Catiline to death, I would not have allowed that gladiator the use of one moment’s life.’ (Hitherto he only supposes it not advisable, yet proceeds to give instances where death in the like case had been advisable.) ‘If in former days (says he) our most illustrious citizens, instead of sullyng have done honour to their memories by the destruction of Saturninus, the Gracchi, Flaccus, and many others, there is no ground to fear, that, by killing this parricide, any envy should lie upon me with posterity.’ (Such memorable precedents, therefore, might have justified his severity, though he had no equal examples to excuse his lenity.) ‘Yet if the greatest envy was sure to befall me, it was always my persuasion, that envy, acquired by virtue, was really glory, not envy.’ Middl. p. 180.

“If these were his real sentiments, how came his natural passion for glory so coolly to abandon him, as not to seize this laudable occasion of advancing it, by following the practice of the aforecited illustrious citizens, in making the immediate death of Catiline an emulous proof of his [own] justice and virtue? Cib. p. 56.

“But, as if he had been asked this question, he farther accounts for his conduct by declaring, That, even in the senate,

“‘There are some, who either do not see the dangers that hang over us, or dissemble what they see, who, by the softness of their votes, cherish Catiline’s hopes, and add strength to the conspiracy by not believing it.—Whose authority influences many, not only of the wicked, but the weak: who, if I had punished this man as he deserved, would not have failed to cry out upon me for acting the tyrant.—Now I am persuaded that when he is once gone into Manlius’s camp, whither he actually designs to go, none can be so silly as not to see there is a plot, none so wicked as not to acknowledge it; whereas, by taking him off alone, though this pestilence should be somewhat checked, it could not be suppressed.’ Middl. p. 181.

“And, therefore, to make it a moot point whether Catiline should not suppress the republic, he sends him to an army that expected him, and to which army, if he had had no hopes of success, he would never have gone. Or, if Cicero knew Catiline to be rash, yet rashness does not always end in ruin. However, Cicero, not liking the face of a traitor so near him, judged, that this snare of his escape would be a surer way to secure him; for, when once his open rebellion became an evidence of the conspiracy, it must be believed with a vengeance. The evidence indeed must be allowed to be pretty strong; but that Cicero’s so far assisting the rebellion was the wisest way of coming at a proof of the conspiracy, seems to be a depth in politics not easily to be fathomed. To leave open the gates of a town, to see if the army of an enemy would have the impudence to enter it, would be a strange way of destroying an enemy. Catiline in Rome might have been no more than a lion in the toil; but if Cicero turned him loose, only, like a bag-fox, to catch him again—shall we call it the glory or the sport of a statesman?—But not to lose the respect due to Cib. p. 58.

Cicero, let us, before we observe upon the consequences of his letting Catiline escape, see how they both in the senate take leave of one another.

“Cicero, having so eloquently exposed and blackened him, turns to Catiline with an air of security, and thus confounds him :

“ ‘ With these omens, Catilina, of all prosperity to the public, but of destruction to thyself, and all those who have joined themselves with thee in all kinds of parricide, go thy way into this impious and abominable war.’

“That is——Now I have shewn the world how rank and filthy a traitor you are, I scorn to foul my fingers with you; therefore get out, go, troop to the open field, and there—punish yourself.

“Catiline, astonished at the thunder of this speech, with downcast looks and suppliant voice, begged of the fathers not to believe too hastily what was said against him by an enemy, &c. but, as he was going on to give foul language, the senate interrupted him, calling him traitor and parricide.

“So far, at least, Cicero had the senate’s voice to support him against whatever fears or apprehensions the fierceness of Catiline or his adherents might have raised in him; but Catiline was so stung with the senate’s disclaiming him, that, to their teeth, he defied them all in this remarkable manner :

“ ‘ That since he was circumvented, and driven headlong by his enemies, he would quench the flame which was raised about him by the common ruin;’ and so rushed out of the assembly.

“So uncommon an event in history cannot, sure, but raise the astonishment of an attentive reader! What a confused idea does this leave us of the Roman government! that such an audacious spirit, after so outrageous a menace to a full senate, should, without let or molestation, be turned loose to put his wickedness in practice! Sure, such enormous licences could not be deemed a right among their boasted sweets of liberty! Was their public safety of an inferior consideration to the life or confinement of a free-born conspirator? Or (if this supposition is too strong), could it still be a breach of privilege, if some honest patriot had taken Catiline by the throat, and brought him back to their resentment and justice? If Catiline, after such a declaration, found his way open to Manlius’s camp, how shall we reconcile this tameness of the senate to common sense or policy? Shall we take from them all capacity or cognizance of government? call them no longer fathers of their country, but rather sons of anarchy, without regard of duty, dignity of rank, or spirit? Or can all this artful lenity of Cicero be reconciled with (or refined into) the profound policy of a consul, to whose hands (by an express cautionary decree of the senate against this very man) the public safety was committed?

“Indeed the dignity of a national justice seems to be but very ill maintained, when she rather chooses to call her criminals out to the combat than to her tribunal. It would be very odd to see a lord chief justice turn champion, and, instead of passing sentence upon a traitor, offer him the satisfaction of a gentleman.

Cib. p. 62.

“What might have been the consequence of the measures taken by Cicero, let us judge from the opinion of Sallust.

“ ‘ Now suppose (says he) Catiline had conquered in the first engagement, or had even retired with loss, surely very tragical calamities must have overwhelmed the commonwealth; nor would the conquerors have been suffered to enjoy their victory long, since, when they were weakened and exhausted, whoever had superior power would have seized the government, and oppressed the public liberty.’

“If this has any weight, could there have been more danger in seizing Catiline than in letting him go? But, to set aside these imaginary consequences, let us attend to what really followed upon Catiline’s being so eloquently driven from Rome.

“Cicero, the next day, to unite the various sentiments of the people into an approbation of his conduct in the senate, calls them together in the Forum, where he

recounts the whole transaction, with chiefly the same arguments, that had induced him to the measures he had taken: but as this point has been already observed upon, let it pass without farther notice, than that here, in the secure joy of his heart (p. 185), Cicero seems almost ludicrously to triumph over the rest of the conspirators yet remaining in Rome. After describing their profligate lives and conversations, he declares it insufferably impudent for such men to pretend to plot, &c.—What could it avail in his justification of letting Catiline go, to tell the people, in the most eloquent language, that all his accomplices were a company of sots and blockheads? He first tells the senate, that ‘those who had deserted Catiline’s army, and stayed behind, were more to be dreaded than the army itself:’ and then tells the people, that ‘those very accomplices were a lazy, drunken, thoughtless crew, who he knew would ruin themselves.’ Which of these inconsistent assertions (says the laureat) *Cib. 68.* are we to suppose could be true? and from what part of the Roman history does it appear, that to delay the death of Catiline ‘was the most glorious way of crushing the conspiracy?’ If Catiline, as Cicero owns, was the life and soul of the conspiracy, *Ib. 66.* why would Cicero (with such public danger) prolong the life of it? How many hours could the conspiracy have lived when the head was off? Whatever danger arose from the singularity of Cicero’s expedient, he was answerable for: and how dear the suspended punishment of this fierce offender was afterward bought, Sallust *Ib. 64.* seems to tell us with a sigh, in his account of the honest lives it cost to defeat him; viz.

“ ‘The victory, indeed, fell to the commonwealth, but was accompanied with bloodshed enough to check their joy, since the bravest among them were either killed in the fight, or left it grievously wounded. Nay, as there were many that visited the field, whether for curiosity or spoil, and turned over the carcasses of the rebels, some discovered a friend, some a kinsman, others a guest; some too there found their particular enemies; so that through the whole army was seen a various display of contrary passions, gladness and sorrow, mourning and rejoicing.’ ” [Gordon’s translation.] Such was the consequence of Cicero’s lenity.

“ But, notwithstanding this expense of civil blood, the conspiracy at last was suppressed, and Cicero had the glory of it. And if the expense had been less, might not the glory have been greater? But if, at such a time, nothing was thought too much for their preserver, it is not to be wondered at; a people so transported for their deliverance seldom repine at the price of it; joy is too generous a passion to look into the dry accounts of dangers past, and payments in praise cost little to make; but posterity, who have not the same passions to blind them, may think it more amusement than trouble to see the balance set right, before they pay in to Cicero the applause he demands for it. Let us inquire then how much of that praise was—demonstrably due to fortune.”

The laureat observes, “ that it was the work of fortune, not of Cicero, that the *Vid. supr.* Allobrogian deputies kept not their faith with the Roman conspirators.” Indeed *p. 495.* Cicero himself, as we have seen, disclaims all merit in this particular: “ That the *note k.* ambassadors of a nation so disaffected, and so able and willing to make war upon *In Cat. 3.* us, should slight the hopes of dominion—must needs be the effect of divine interposition.” And if it afterward cost so much blood to vanquish Catiline, unassisted by the Allobroges, what calamities might not have ensued, had his army been strengthened by such able and willing auxiliaries? The extraordinary joy of Cicero, and of the whole people of Rome, on occasion of the deputies disclosing the secret engagements they had entered into, and turning evidence against the conspirators, shewed plainly that a great danger was thought to have been escaped by that discovery. “ And what brought the public into such danger (says the laureat) but the refined policy of Cicero?”

Add to all this, that Cicero’s colleague Antonius, who is said to have been embarked in the same cause with Catiline, and to have had no inclination to fight with *See Middl. p. 228.*

Ib. 224.

him, and in whom Catiline, to the last, had hopes, that, out of regard to their former engagements, he would contrive some way of throwing the victory into his hands, was invested with the same despotic authority, in virtue of which Cicero took upon him to dispense with the laws. What dependence could Cicero reasonably have upon a man so wicked and infamous as Antonius? What security that he would act conformably to the purpose of his commission, and not betray his constituents to his old friend and companion? And, in that case, how fatal might have been the consequence!

To what hidden cause then are we to impute the surprising conduct of Cicero, in suffering, nay, in forcing, Catiline to leave Rome, and go to Manlius's camp? The consul gives the senate a hint, that a secret reason had withheld him from taking away the life of that traitor; and presently after seems to blab the secret, "That it was his apprehension of the clamours which such severity might have raised. If men are so perverse as to complain of Catiline's being driven away, what would they have said, if he had been put to death?"—"Why, a great deal more, perhaps (answers the laureat); but, when the disaffected had said their worst, honest men would, at least, have had this to say, that had he been put to death in the city, he could never have faced them in the field, or have killed so many of his fellow-citizens at the head of an army."

The laureat, in his observations upon this transaction, supposes all along that the consul, at the time when he drove Catiline out of the city, could legally have taken away his life, and ought to have done it; and this is supposed to be true, because Cicero says it. But Cæsar, and the popular party in the senate, were not of this opinion: and it is very evident, from Cicero's apprehension of clamours, that he did not think he could justify the putting Catiline to death, without a previous trial and condemnation by the people.

But how shall we account for his not seizing the traitor, and keeping him in close custody till he could be brought to justice in due form? For my own part, I verily believe, that the heroic consul spoke from his heart, when he said, he should always think himself in danger while in the same city with Catiline; and that this cowardly fear was the true reason of his rejecting the conspirator's offer of becoming his prisoner. Nor can I any way account, but by the like fear, for his hasty execution of Lentulus, and the other accomplices of Catiline's treason: for, as he had such indisputable proofs of their guilt, even their own confession, and there was such a universal dread and detestation of them in the city, what doubt could remain of the people's giving sentence against them after a fair and open trial? But Cicero, knowing that to kill him was one of their principal objects, could not think himself safe a single hour while they were alive.

So much for the high capacity and high courage with which Cicero is said to have saved the public.

His real merit in this affair was, doubtless, very considerable. The conspirators had projected the setting fire to the city in several places at the same time, in order to facilitate the massacre of those whom they had destined to destruction; probably the greater part of the senate; many of the other rich citizens, whose wealth they coveted; their creditors especially; and all their personal enemies. Cicero, remarkably fortunate, in receiving intelligence of these things, first from a harlot, and then from the Allobrogian deputies, made a skilful use of the information, and by his assiduity and provident care effectually defeated the mischievous plot, so far as it regarded the fire and the massacre. Otherwise, it is likely, there would have been a scene of blood and desolation resembling that in the time of Sylla's victory; whose cut-throats and their creatures, the *honest*, would now, in their turn, have had their throats cut: this, indeed, would not have been much to the detriment of the state; but then, with those banditti, many innocent persons would have been murdered, and a great number of industrious artisans and shopkeepers totally ruined by

the conflagration; the city therefore, in general, became greatly obliged to the consul for his timely seizing and securing the persons of the conspirators, which totally averted the impending evil; and if, after doing his fellow-citizens this effectual service, he had been content with the consciousness of having done it, and the farther reward of their grateful applauses; and not listened to his cowardly fears, so as to be seduced by them to act the tyrant, violating the laws, in a most tender point, without any necessity; he would unquestionably have deserved—almost the fortieth part of the praise he claimed^u for his performances. As to the compliments made to him by Catulus in the senate, and by Cato the year following, from the rostra (in a spirit of opposition to Cæsar and Pompey), and the loud acclamations of the multitude thereupon, whence Pliny, in honour to his memory, cries out, “Hail thou, who wast first saluted parent of thy country,” it seems quite ridiculous to bring those compliments of two leaders of a faction, and those huzzas of a mob, as proofs that Cicero “obtained the most glorious title which a mortal can wear—father of his country—from the free vote of the senate and people of Rome.” Was Rome free^x at this time? Or could Cicero derive any honour from the applauses^y given to his administration by those citizens, who, soon after, on account of that very administration, banished him his country? They were as free then as when they assented to Cato’s compliment to him. What an idea does his English historian give us of the freedom of Rome, when he makes us see, that, in the consulship of his patriot hero, the very deliberations of the senate, concerning Lentulus and the other prisoners, were not free; that Cæsar, for having declared against dispensing with the laws, “had some difficulty to escape with life from the rage of the knights,^z who guarded the avenues of the senate; where he durst not venture to appear any more till he entered upon his prætorship with the new year!” It is not without reason, therefore, that the author of the declamation against Cicero reproves the folly of his “*Cedant arma togæ, concedat laurea linguæ*,” as if by the sole power of his eloquence, and without any weapon but his tongue, he had done those exploits of which he boasted. “*Quasi vero togatus, et non armatus, ea quæ gloriaris, confeceris.*”

Vid. Middl.
p. 227.
Plin. Hist.
n. 7. 30.

Middl.
p. 225.
Sueton. J.
Cæs. 14.

Vid. Fragn.
Sallust.

^u Plutarch tells us, that on account, not of any bad action, but, of the excessive and never-ceasing praises which Cicero, after his exploit, bestowed on himself, he became odious and intolerable: that in the senate, the assemblies of the people, and the courts of justice, every body was dunned and deafened with the names Catilina and Lentulus, which the orator was for ever sounding in their ears: and that his writings of every kind were so stuffed with panegyrics upon himself, as to destroy the pleasure of reading them, notwithstanding all the charms of his wit, and the music of his language.

^x “In the absence of Pompey, who was sent to war first against the pirates, and then against Mithridates, the strength of the commons [notwithstanding the restoration of the tribunitian privileges in the consulship of Pompey and Crassus] gradually diminished (says Sallust), and the power of a few men increased proportionably. These engrossed the magistracies, the provinces, every thing; and, while they themselves lived secure, in tranquillity, grandeur, and affluence, terrified the rest with prosecutions and impeachments, in order to render the commons more manageable and submissive.”

^y Plutarch reports (as has been already mentioned), that the multitude proclaimed Cicero second founder of Rome; and the same Plutarch tells us, that the multitude (almost forty years before) proclaimed Caius Marius third founder of Rome. And Cicero himself, more than twenty years after all Marius’s bloody cruelties, and his death, and when the faction of the nobles was in power, says to the people—“Shall we condemn Caius Marius, whom we may truly call father of his country and parent of your liberty, and of this republic? ‘*Caïum Marium, quem verè patrem patriæ, parentem, inquam, vestræ libertatis, atque hujusce reipublicæ possumus dicere—condemnabimus?*’”

^z Cicero, in his first speech against Catiline, tells him in the senate-house, that the knights were hardly restrained from doing him violence. Vid. supra, p. 475.

Vid. supr.
p. 289.
Vid. vol. 4.
p. 121.
Pro Rabir.
10.

CHAP. X.

The spirited conduct of Cæsar in his prætorship (year of Rome 691). Several persons of distinction are brought to trial in form, on the accusation of having been associates in Catiline's conspiracy. P. Sylla is defended by Cicero. Metellus Nepos, the tribune, continues to inveigh against the illegal proceedings of Cicero in his consulship. The senate, by a vote, forbids molesting him on that account. Metellus hereupon proposes a law to call home Pompey, with his army, to reform and settle the state. This motion, opposed by Cato, occasions civil broils and contests, which the senate appeases for the present by acts of power. P. Clodius profanes the mysteries of the Good Goddess. The consequences of this enormity, in the consulship of Pupius Piso and Valerius (Messala year of Rome 692). Pompey returns into Italy, and disbands his army. His equivocal conduct after his arrival at Rome. His triumph.

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Vid. snpr.
p. 497. and
523.

Sueton. J.
Cæs. 15.
Dio, l. 37.
p. 49.

CÆSAR, who, through the malicious, clandestine practices of Catulus, and others of that cabal, had been driven to shut himself up in his own house to avoid being assassinated, ventured to come abroad so soon as the new year began ; he then entering upon the prætorship, to which he had been elected some months before. He made it the first act of his office to call Catulus to an account for embezzling the public money in rebuilding the Capitol ; and proposed also a law to efface his name from the fabric, and grant the commission for finishing what remained to Pompey.

This affair was moved to the people while the chief members of the senate were attending the new consuls, and assisting at the ceremony of their taking possession of the Capitol. Catulus, upon notice of what was doing in the Forum, ran instantly thither to defend himself, and would have ascended the rostra, but Cæsar ordered him to stay below as a criminal. A great number of the senators, alarmed for their friend Catulus, came from the Capitol, and, gathering about him, so warmly bestirred themselves in the cause, that Cæsar was obliged to drop it. And it would seem, that, in revenge of this attack upon Catulus, his faction immediately instigated Q. Curius, who had been Cicero's informer in the affair of Catiline, to name Cæsar, in full senate, as an accomplice in that conspiracy ; and likewise spirited up Q. Vettius, a Roman knight, to impeach him before

Sueton. J.
Cæs. 17.

Novius Niger, the quæstor. Curius affirmed, that what he deposed against Cæsar was told to him by Catiline himself; and Vettius promised to produce a letter to Catiline in Cæsar's own hand. Cæsar, full of indignation, called upon Cicero to testify, that he had given him early information of some of Catiline's designs; and, Cicero not refusing his testimony, Curius was thereby frustrated of the reward which had been promised to the first discoverer of the plot, and which he claimed under that title. As for Vettius, Cæsar cited him to answer for his behaviour, and, upon his failing to find security for his appearance, committed him to prison, after he had been roughly treated, and almost killed by the populace who surrounded the rostra. Cæsar imprisoned likewise the quæstor Novius for suffering a superior magistrate to be arraigned before him. Nor did the senate make any opposition to these proceedings of the prætor.

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Several persons, however, of considerable rank had been found guilty, upon the testimony of Vettius, and banished; some of them not appearing to their citation, others after a trial, viz. M. Porcius Læca, C. Cornelius, L. Vargunteius, Servius Sylla, and P. Autronius, &c. The last of these, who lost the consulship four years before, upon a conviction of bribery, had been Cicero's schoolfellow, and colleague in the quæstorship, and solicited him with many tears to undertake his defence: but Cicero not only refused to defend him, but, from the knowledge of his guilt, appeared as a witness against him.

Middl.
p. 245.

P. Sylla also, Autronius's partner and fellow-sufferer in the cause of bribery, was now tried for conspiring twice with Catiline, once when the plot proved abortive, soon after his former trial; and a second time in Cicero's consulship: he was defended in the first by Hortensius, in the last by Cicero. The prosecutor was Torquatus, the son of his former accuser (as has been

Vid. supr.
p. 444

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Middl.
p. 248.

Vid. *supr.*
p. 431.

formerly mentioned), a young nobleman of great parts and spirit; who, ambitious of the triumph of ruining an enemy, and fearing that Cicero would snatch it from him, turned his raillery against Cicero instead of Sylla, and, to take off the influence of his authority, treated his character with great petulance, and employed every topic which would raise an odium and envy upon him: he called him a king, who assumed a power to save or destroy, just as he thought fit; said, that he was the third foreign king that had reigned in Rome after Numa and Tarquinius; and that Sylla would have run away, and never stood a trial, if he had not undertaken his cause.

Cicero, therefore, in his reply, was put to the trouble of defending himself as well as his client.—As to the merits of the cause, though there was no positive proof, yet there were many strong presumptions against Sylla, with which his adversary hoped to oppress him: but Cicero endeavoured to confute them by appealing “to the tenor and character of his life; protesting in the strongest terms, that he, who had been the searcher and detector of the plot, and had taken such pains to get intelligence of the whole extent of it, had never met with the least hint or suspicion of Sylla’s name in it, and that he had no other motive for defending him but a pure regard for justice; and as he had refused to defend others, nay, had given evidence against them from the knowledge of their guilt, so he had undertaken Sylla’s defence, through a persuasion of his innocence.” Torquatus, for want of direct proof, threatened to examine Sylla’s slaves by torture: this was sometimes practised upon the demand of the prosecutor; but Cicero observes upon it, “that the effect of those torments was governed always by the constitution of the patient, and the firmness of his mind and body; by the will and pleasure of the torturer, and the hopes and fears of the tortured; and that in moments of so much anguish

there could be no room for truth : he bids them put Sylla's life to the rack, and examine that with rigour, whether there was any hidden lust, any latent treason, any cruelty, any audaciousness in it : that there could be no mistake in the cause, if the voice of his perpetual life, which ought to be of the greatest weight, was but attended to." Sylla was acquitted.^a

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As Cicero had a great share in convicting those who were capitally condemned, it was not possible but he must incur much odium on account of those trials ; and the more, as the testimony of Vettius was made use of, who very soon appeared to be a man unworthy of credit : for, having presented to the senate a list, containing the names of the conspirators, he afterward asked to have it returned to him, that he might add some names to it : and when, from an apprehension that he had a fraudulent intention in making this demand, it was not complied with, but he was ordered to declare, *viva voce*, the names of those whom he remembered, this threw him into the utmost confusion and perplexity.

Considering how many of the conspirators were con-

^a The English historian adds—" But Cicero had no great joy from his victory, or comfort in preserving such a citizen, who lived afterward in great confidence with Cæsar, and commanded his right wing in the battle of Pharsalia ; and served him afterward in his power, as he had before served his kinsman Sylla, in managing his confiscations and the sale of the forfeited estates." Middl. p. 249.

About the time of this trial Cicero bought a house of M. Crassus on the Palatine hill, adjoining to that in which he had always lived with his father, and which he is now supposed to have given up to his brother Quintus. The house cost him near 30,000*l.* and seems to have been one of the noblest in Rome. A. Gellius [l. 12. c. 12.] tells us, " That, having resolved to buy the house, and wanting money to pay for it, he borrowed it privately of his client Sylla, when he was under prosecution ; but the story taking wind, and being charged upon him, he denied both the borrowing and design of purchasing, yet soon after bought the house ; and when he was reproached with the denial of it, replied only laughing, that they must be fools to imagine, that, when he had resolved to buy, he would raise competitors of the purchase by proclaiming it."—The truth is, and what he does not dissemble (adds his English historian), that he borrowed part of the money to pay for it at six per cent. ; and says merrily upon it, that he was now so plunged in debt, as to be ready for a plot, but that the conspirators would not trust him. It raised indeed some censure upon his vanity for purchasing so expensive a house with borrowed money : but Messala, the consul, happening soon after to buy Autronius's house at a greater price, and with borrowed money too, it gave him some pleasure, that he could justify himself by the example of so worthy a magistrate : " By Messala's purchase (says he) I am thought to have made a good bargain : and men begin to be convinced, that we may use the wealth of our friends in buying what contributes to our dignity." Ep. Fam. 5, 6. et ad Att. 1. 13.

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Ep. Fam.
5. 2.

Dio, 37. 49.

Plut. in
Cal. et in
Cic.

demned upon the evidence of this man, and how many were put to death without any previous trial, and upon a vote only of the senate, it is the less to be wondered at, that the tribune Metellus Nepos (countenanced perhaps by Cæsar) continued declaiming against the late consul, and at length resolved to accuse him before the people of illegal proceedings, and bloody acts of power.

Cicero had no inclination to enter into a contest with the tribune, but took some pains to make up the matter with him by the interposition of the women; particularly of Claudia, the wife of Nepos's brother, Metellus Celer, and their sister Mucia, the wife of Pompey. He employed also several common friends to persuade him to be quiet. Nepos answered, that he was too far engaged, and had put it out of his power. Cicero therefore was necessitated to have recourse to other measures for his defence: and, as his cause was the cause of the senate, he easily prevailed upon them to pass a decree, that no prosecution should be brought against him for what he had executed by virtue of the power which they had given him, and that whoever should attempt to trouble him on that account should be looked upon as an enemy to his country. Hereupon Metellus, who found it not possible for him to make head against the senate, without the assistance of Pompey, published a law to call that general home with his army, to defend Rome against Catiline [whose defeat and death were not till after this time], and against the exorbitant power and tyranny of Cicero. The tribune is said to have been supported by Cæsar in this enterprise. The senate, in their opposition to it, had the help of some of the tribunes, particularly of Cato:^b for, as soon as Metellus

^b Plutarch reports, that Cato had once determined not to stand for the office of tribune at the last elections, and was going to pass some time in Lucania with certain philosophers, his friends and companions, when he met on the road Metellus Nepos, who from the army of Pompey was hastening to Rome to sue for the tribuneship: that Cato, apprehending some mischief to the public from the furious temper of this man, who was one of Pompey's creatures, returned to Rome, and the very next morning put himself among those who stood for the tribuneship, that he might be able more effectually to oppose the enterprises of Metellus. The same historian informs us,

began to read the law to the people, Cato snatched it away from him; and when he proceeded still to pronounce it by heart, Minucius, another tribune, stopped his mouth with his hand. This drew the assembly into confusion, and raised great commotions in the city; till the senate, finding their faction the stronger, came to an unprecedented, and most impudent, aristocratic resolution, of suspending not only Cæsar, but the tribune Metellus, from the execution of their offices.

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Cæsar nevertheless resolved at first to continue his administration of justice; but, upon notice that a strong force was preparing to control him, he thought it more advisable to act a modest and submissive part. He dismissed his lictors, laid aside his *toga prætexta*, and shut himself up in his own house: and when the populace gathered about it, and shewed themselves ready to support him by force in the dignity of his office, he rejected their offers. The senate, not expecting so much moderation from him, immediately reversed the decree of his suspension.

Suet. in J.
Cæs. 16.

Metellus, who left Rome to go to his brother-in-law Pompey (with whose resentment he had threatened the senators), had not gone far on his journey before he turned back, and was permitted to re-enter upon his office.^c

likewise, that Cato, in order to cool the zeal of the populace for Cæsar, whose prætorship would increase his influence, persuaded the senate to decree (at a great expense to the public), before Cæsar entered on that office, a monthly distribution of corn to the poorer sort; and that this stratagem had its effects. Plut. in Cæs. et in Cat.

^c Cicero published an invective oration against Metellus, which is mentioned in his epistles under the title of Metellina; it was spoken in the senate in answer to a speech which Metellus had made to the people, and is often cited by Quintillian and others as extant in their time. Metellus Celer, who commanded in Cisalpine Gaul, wrote a peevish and complaining letter to his friend Cicero upon the senate's treating his brother, the tribune, so severely; to which Cicero answered with great freedom, but in a style of kindness and friendship. After complaining of the affront which the tribune had put upon him on the last day of the year, he concludes thus: "I did not therefore attack your brother, but defend myself only against him; nor has my friendship to you ever been variable, as you write, but firm and constant, so as to remain still the same when it was even deserted and slighted by you. And at this very time, when you almost threaten me in your letter, I give you this answer, that I not only forgive, but highly applaud, your grief; for I know, from what I feel within myself, how great the force is of fraternal love; but I beg of you also to judge with the same equity of my cause; and if, without any ground, I have been cruelly

Middl. p.
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On the 1st of June this year was celebrated the triumph of Q. Metellus Creticus, which had been long retarded by the intrigues of Pompey's creatures.

M. Pupius Piso, Pompey's lieutenant, declared himself a candidate for the consulship at the approaching election, and Pompey wrote to the senate from Asia, to desire that they would defer the assemblies for the election till he could come and support in person the interest of his lieutenant. Many of the fathers were inclined enough to grant his request, but Cato warmly opposed it as a dangerous compliance, and a bad precedent. The assemblies therefore were held at the usual time. Pompey's recommendation, however, had its effect; for Pupius was unanimously elected. The people gave him, for a colleague, L. Valerius Messala.

Middl.
p. 251.

De Arusp.
Resp. 20.
Pro Mil.
16.
Vell. Pat.
2. 45.

But the most remarkable event which happened in the end of this year, was the pollution of the mysteries of the *Bona Dea*, or the Good Goddess, by P. Clodius; which, by an unhappy train of consequences, involved his particular^d friend Cicero in an unexpected calamity. Clodius, now quæstor, was descended from the noblest family in Rome, in the vigour of his age, of a graceful person, lively wit, and flowing eloquence; but, "with all the advantages of nature, he had a mind incredibly vicious; was fierce, insolent, audacious, but, above all, most profligately wicked, and an open contemner of gods and men, valuing nothing that either nature or the laws allowed; nothing but in proportion as it was desperate, and above the reach of other men; disdaining even ho-

and barbarously attacked by your friends, to allow that I ought not only not to yield to them, but, on such an occasion, to expect the help even of you and your army also against them. I was always desirous to have you for my friend, and have taken pains to convince you how sincerely I am yours. I am still of the same mind, and shall continue in it as long as you please; and, for the love of you, will sooner cease to hate your brother, than, out of resentment to him, give any shock to the friendship which subsists between us. Adieu." Ep. Fam. 5. 2.

^d Plutarch tells us, that Clodius had been singularly serviceable to his friend Cicero, keeping close to his side, as one of the guards of his person, during all his difficulties in the suppression of Catiline's conspiracy. This, perhaps, will account for Clodius's implacable resentment of Cicero's appearing afterward a witness against him at his trial: but how shall we account for Cicero's contracting a particular friendship with such a man as he describes Clodius to be?

nours in the common forms of the republic, nor relishing pleasures but what were impious, adulterous, incestuous." He had an intrigue with Cæsar's wife Pompeia, who, according to annual custom, was now celebrating in her house^e those awful and mystical sacrifices of the goddess, to which no male creature was ever admitted, and where every thing masculine was so scrupulously excluded, that pictures of that sort were covered during the ceremony. This was a proper scene for Clodius's genius to work upon; an opportunity of daring beyond what man had ever dared before him: the thought of mixing the impurity of his lusts with the sanctity of these venerable rights, flattered his imagination so strongly, that he resolved to gain access to his mistress in the very midst of her holy ministry. With this view he dressed himself in a woman's habit, and by the benefit of his smooth face, and the introduction of one of the maids, who was in the secret, hoped to pass without discovery; but, by some mistake between him and his guide, he lost his way when he came within the house, and fell in unluckily among the other female servants, who, detecting him by his voice, alarmed the whole company by their shrieks, to the great amazement of the matrons, who presently threw a veil over the sacred mysteries; and, having caused the doors to be shut, began to search every where with flambeaux. Clodius was at

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sulship.

De Arusp.
Respons.
17.

Juven. 6.
339.

Cic. ad Att.
1. 12. et
Plut. in Cic.

^e "Les femmes seules pouvoient assister à ce sacrifice, qu'on appelloit aussi les mysteres, à cause du rapport qu'il avoit avec les mysteres de Cérès.—Ce sacrifice [se faisoit] chez César, non pas en qualité de grand pontife, comme l'ont cru plusieurs habiles gens, mais en qualité de préteur. On ne trouve nulle part que ces mysteres dussent se célébrer chez le souverain pontife. Cicéron au contraire dit qu'ils se faisoient chez un de ceux qui n'étoient *cum imperio* [de Arusp. Resp.] ce qui ne s'étend qu'aux consuls et aux préteurs. Dion. [lib. xxxvii.] dit positivement qu'ils se faisoient chez un consul ou chez un préteur. L'année du consulat de Cicéron, dans le tems de la conjuration de Catilina, c'est à dire, au mois de Decembre, ce sacrifice se fit chez Cicéron; et il y a apparence [Plut. in Cic.] qu'il se celebra cette année à peu près dans le même tems; car cette lettre [Let. 12. lib. 1.] est du premier de Janvier, et Cicéron parle de cette affaire comme nouvelle." Mongault, tom. 1. p. 96. N. 10. This ingenious writer, in the same note, adds—"On conçoit bien pourquoi il [Clodius] étoit entré déguisé chez César. Il étoit d'intelligence avec la maîtresse de la maison, et il vouloit venger Pompée, et tous les autres maris en grand nombre qui avoient le même sujet de se plaindre de César. Cette honnête dame qui sacrifioit un homme de ce mérite, et si aimé de toutes les autres femmes, à un jeune étourdi, étoit de la même maison que Pompée."

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length found in the chamber of the slave who had introduced him ; and all the women gathering about him, he was driven out of the house.

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The story was presently spread abroad, and raised a general scandal and horror through the whole city : in the vulgar,^f for the profanation of a religion held the most sacred of any in Rome ; in the better sort, for its offence to good manners, and the discipline of the republic. Cæsar put away his wife upon it.

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Ad Att. 1.
43.

M. Pupius Piso and L. M. Valerius Messala, the new consuls, had entered upon their office, when the affair was brought before the senate. The fathers referred it to the college of priests, who declared it to be an abominable impiety ; upon which the consuls were ordered to propose to the people a law for trying Clodius by a special commission of judges, to be named by the prætor. But Q. Fufius Calenus, one of the tribunes, would not permit the law to be offered to the suffrage of the citizens. This raised a great ferment in the city. The senate adhered to their resolution, though the consul Piso^g used all endeavours to divert them from it ; and Clodius, in an abject manner, threw himself at the feet of every senator. After a second debate, in a full house, there were fifteen only who voted on Clodius's side, and 400 directly against him ; so that a fresh decree passed, to order the consuls to recommend the law to the people with all their authority, and that no other

Ibid. 14.

Cic. de
Arusp.
Resp. 3.
18. Cic. pro
Dom. 40.

^f It had been the common belief of the populace, that if a man should ever pry into these mysteries, he would be instantly struck blind : but it was not possible, as Cicero says, to know the truth of it before, since no man but Clodius had ever tried the experiment : though it was now found, as he tells him, that the blindness of the eyes was converted to that of the mind.

^g Cicero, in a letter to Atticus, gives the character of the two consuls. "Piso is a man of a weak and wicked mind ; a churlish, captious sneerer, without any turn of wit, and making men laugh by his looks rather than jests ; favouring neither the popular nor aristocratical party ; a man from whom no good is to be expected, because he wishes none ; nor hurt to be feared, because he dares do none." Cic. Ep. ad Att. 1. 13. "He would have been more vicious by having one vice the less, laziness." Ibid. 14. [Cicero, in resentment of this consul's espousing the interests of Clodius, hindered the senate from decreeing to him the province of Syria, which had been designed and in a manner promised to him. Ad Att. 1. 16.]

The other consul, Messala, is an excellent magistrate (says our orator), active and firm, a lover, an admirer, and an imitator of me. "Messala consul est egregius, fortis, constans, diligens, nostri laudator, amator, imitator." Ibid.

business should be done till it was carried. But this being likely to produce great disorders, Hortensius proposed an expedient, which was accepted by both parties, that the tribune Fufius should publish a law for the trial of Clodius by the prætor, with a bench of judges drawn by lot, instead of judges chosen by the prætor, as the law proposed by the consuls directed. Hortensius feared lest Clodius should escape in the squabble without any trial; and was persuaded, that no judges could absolve him, that a sword of lead, as he expressed himself, would be sufficient to destroy him: but the tribune knew, that in such a trial there would be room for intrigue, and for corrupting the judges, which Cicero likewise foresaw from the first; and wished therefore to leave him rather to the effect of that odium, in which his character then lay, than bring him to a trial, where he had any chance to escape.

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Ad Att. 1.
16.

Middl.
p. 255.

Cic. ad
Att. 1. 16.

Clodius's whole defence was to prove himself absent at the time of the fact; for which purpose he produced men to swear, that he was then at Interamna, about sixty miles from the city. But Cicero, being called upon to give his testimony, deposed that Clodius had been with him at his house that very morning at Rome. As soon as Cicero appeared in the court, the Clodian mob began to insult him with great rudeness; but the judges rose up, and received him with such respect, that they presently secured him from all future affronts.

Plut. in Cic.
Val. Max.
8. 5.

Cic. ad
Att. 1. 16.

Cæsar, who was the most particularly interested in the affair, being summoned also to give evidence, declared, that he knew nothing at all of the matter; though his mother Aurelia and sister Julia, who were examined before him, had given a punctual relation of the whole fact: and being interrogated how he came then to part with his wife? he replied, "All who belong to me ought to be free from suspicion as well as guilt." Plutarch says, that Cicero himself unwillingly appeared as a witness in this cause, that he was urged to it by the importunity of his wife, a

Suet. J.
Cæs. 74.

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sulship.

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p. 256.

Cic. ad
Att. 1. 13.

Ib. 16.

fierce, imperious dame, jealous of Clodius's sister, whom she suspected of some design to get Cicero from her, which by this step she hoped to make desperate. The story does not seem improbable; for, before the trial, Cicero owns himself to be growing every day more cool and indifferent about it; and, in his raileries with Clodius after it, touches upon the forward advances which his sister had made towards him; and, at the very time of giving his testimony, did it with no spirit; and said no more, as he tells us, than what was so well known, that he could not avoid saying it.

The judges seemed to act at first with great gravity; granted every thing that was asked by the prosecutors, and demanded a guard to protect them from the mob; which the senate readily ordered, with great commendation of their prudence: but, when it came to the issue, twenty-five only condemned, while thirty-one absolved him. Crassus is said to have been Clodius's chief manager in tampering with the judges, employing every instrument of corruption as it suited the different tempers of the men; and where money would not do, offering even certain ladies and young men of quality to their pleasure. Cicero says, that a more scandalous company of sharpers never sat down at a gaming table; infamous senators, beggarly knights, with a few honest men among them whom Clodius could not exclude, who, in a crew so unlike to themselves, sat with sad and mournful faces, as if afraid of being infected with the contagion of their infamy: and that Catulus, meeting one of them, asked him what they meant by desiring a guard? were they afraid of being robbed of the money which Clodius had given them?

This transaction, however, gave a very serious concern to Cicero. As he looked upon himself to be particularly affronted by a sentence given in flat contradiction to his testimony, so he made it his business on all occasions to display the iniquity of it, and to sting

the several actors in it with all the keenness of his raillery.^h

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Pompey the Great returned to Rome about the beginning of this year, in the height of his fame and fortunes, from the Mithridatic war. The city had been much alarmed about him, by various reports from abroad, and several tumults at home, where a general apprehension prevailed of his coming at the head of an army to take the government into his hands.ⁱ—But he was too phlegmatic to be easily induced to so desperate a resolution; or seems rather indeed to have had no thoughts at all of that sort, but to have been content with the rank which he then possessed, of the first citizen of Rome, without a rival.^k He had lived in a perpetual course of success and glory, without any slur either from the senate or people to inspire him with sentiments of revenge, or to give him a pretence for violent measures; and he was persuaded, that the growing disorders of the city would soon force all parties to create him dictator, for the settlement of the state; and thought it of more honour to his character to obtain that power by the consent of his citizens, than to extort it from them by violence. But, whatever apprehensions were conceived of him before his coming, they all vanished at his arrival in Italy; for he no sooner set foot there than he disbanded his troops, giving them orders only to attend him in his triumph.

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sulship.
Cic. ad
Att. 1. 16.
Middl.
p. 261.

Plut. in
Pomp.

^h About this time Cicero is supposed to have made that elegant oration, still extant, in the defence of his old preceptor the poet Archias: he expected for his pains an immortality of fame from the praise of Archias's muse; but, by a contrary fate of things, instead of deriving any addition of glory from Archias's compositions, it is wholly owing to his own, that the name of Archias has not long ago been buried in oblivion. He had sung in Greek verse the triumphs of Marius over the Cimbri, and of Lucullus over Mithridates, and was now attempting the consulship of Cicero. *Pro Archia*, 9. 11. See *Middl.* p. 260.

ⁱ Plutarch tells us, that Crassus, probably, not from any real fear, but in order to gain credit to the calumny, stole out of Rome with his children and his most valuable effects.

^k This high rank was not sufficient to preserve to him the affection of his wife Mucia (sister of the Metelli). He had a rival there, and more than one; Cæsar among the rest, if we may believe Suetonius, c. 50. Pompey, fully informed of her scandalous conduct, sent her a bill of divorce before his landing in Italy. She afterward married Pompey's quæstor, Scaurus, son of the famous Scaurus, prince of the senate.

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De provin.
cons. 12.
Middl.
p. 263.

Vid. supr.
p. 376.

By his late victories he had greatly extended the barrier of the empire into the continent of Asia, having added to it three powerful kingdoms, Pontus, Syria, Bithynia, which he reduced to the condition of Roman provinces, leaving all the other kings and nations of the east tributary to the republic, as far as the Tigris.—On the merit of these great services he did many acts abroad of a very extraordinary nature; gave what laws he pleased to the whole east, distributed the conquered countries at discretion, to the kings and princes who had served him in the wars, and built twenty-nine new cities or colonies. [His donatives to his officers and soldiers have been already mentioned.]

His first business, therefore, after his return, and what he had much at heart, was to get these acts ratified by public authority. The popular faction promised him every thing, and employed all their skill to divert him from a union with Cicero and the senate, and had made a considerable impression on him: but he found the state of things very different from their representations, saw Cicero in high credit,¹ and the authority of the se-

Vid. supr.
p. 282.

Mucia was Pompey's third wife. Antistia was the first, Æmilia the second, and Julia, Cæsar's daughter, will be the fourth.

¹ Cicero, upon the expiration of his consulship, had taken care to send a particular account of his whole administration to Pompey, in hopes to prevent any disadvantageous impressions there from reports of his enemies, and to draw from him some public declaration in praise of what he had been doing. But Pompey, being informed of the ill humour which was rising against Cicero in Rome, had answered him with great coldness, and, instead of paying him any compliment, had taken no notice at all of what had passed in the affair of Catiline. Upon which Cicero expostulated with him in the following letter with some resentment, yet so as not to irritate a man of the first authority in the republic, and to whom all parties were forwardly paying their court.

*i. e. Ge-
neral.

“ M. T. CICERO TO CN. POMPEY THE GREAT, EMPEROR.*

“ Your letter to the senate afforded inexpressible satisfaction, not only to myself, but to the public in general; as the hopes it brought us of a peace are agreeable to those expectations, which, in full confidence of your superior abilities, I had always encouraged the world to entertain. I must acquaint you, however, that it entirely sunk the spirits of that party, who, from being formerly your declared enemies, have lately become your pretended friends; as it utterly disappointed their most sanguine hopes.

“ Notwithstanding the letter which you wrote to me by the same express discovered but very slight marks of your affection, yet I received it with pleasure. The truth is, I am always abundantly satisfied with the consciousness of having exerted my best offices towards my friends: and, if they do not think proper to make me an equal return, I am well contented that the superiority should remain on my side. But, if my utmost zeal for your interests has not been sufficient to unite you to mine, I doubt not our co-operating together upon the same patriot

nate much respected, which obliged him to use great management, and made him so cautious of offending any side, that he pleased none. Cicero says of his first speech* [to the people], that it was neither agreeable to the poor, nor relished by the rich; disappointed the seditious [that is, the popular men], yet gave no satisfaction to the honest [i. e. to the infamous aristocratic cabal].

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*Prima
Conscio.

Middl.

p. 264.

As he happened to come home in the very heat of Clodius's affair, so he was presently urged by both parties to declare himself on that head. Fufius, the tribune, at the instigation of the consul Piso, asked him, before the people assembled in the Flaminian circus, what he thought of empowering the prætor to choose judges, who should be the prætor's assessors in the trial of Clodius?^m To which he answered very aristocratically, as Cicero calls it, that he had ever taken the authority of the senate to be of the greatest weight in all cases. And when the consul Messala asked him in the senate, what his opinion was of the profanation of religion, and the law proposed about it? he, without entering into particulars, applauded in general all the determinations of the senate, and the measures they had taken; and, upon sitting down, told Cicero, who sat next him, that he had now said enough, he thought, to signify his sentiments of those matters; which last words were supposed to include the proceedings against Catiline and his associates.ⁿ

principles will be a means of cementing us more strongly hereafter. In the meantime, it would neither be agreeable to the openness of my temper, nor to the freedom of that mutual friendship we profess, to conceal what I thought wanting in your letters. I will acknowledge then, that the public services I performed during my late consulship gave me reason to expect, from your attachment both to myself and to the commonwealth, that you would have sent me your congratulations: and I am persuaded you would not have omitted them, but from a tenderness to certain persons. Let me assure you, however, that what I have performed for the preservation of my country, has received the concurrent applauses of the whole world. You will find, when you return hither, I conducted that important scene with so much spirit and policy, that you, like another Scipio, though far superior indeed to that hero in glory, will not refuse to admit me, like a second Lælius, and not much behind him, I trust, in wisdom, as the friend and associate of your private and public transactions." Ep. Fam. lib. 5. Ep. 7. Melmoth's Translation, book 1. lett. 1.

^m "Quæsit ex eo, placeretne ei iudices a prætore legi, quo consilio idem prætor uteretur." Ad Att. 1. 14.

ⁿ Cicero's letter (before mentioned) to Pompey, had produced in the latter an ap-

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Ad Att.
1. 14.

Crassus, observing that this declaration had pleased the senate, rose up, and launched out in a very high strain, into the praises of Cicero's consulship, declaring himself indebted to it for his being at that time a senator and a citizen; nay, for his very liberty and his life; and that as often as he saw his wife, his family, and his country, so often he saw his obligations to Cicero. This is what Cicero, in a letter, relates to his friend Atticus; and he adds, "I perceived Pompey at a loss to guess what was Crassus's motive for so speaking; whether to take the benefit of an opportunity, which he himself had neglected, of making his court to the senate; or because the illustrious merit of my acts (so highly pleasing to the senate) extorted praise even from a man who was under no personal obligation to me; but whom, on the contrary, out of regard to him (his rival), I had always treated with a particular slight. From that day I became strongly attached to Crassus: nor did I fail to express openly my satisfaction with what Pompey had said in my favour, though he had spoken obscurely and with so much reserve."

Ib. 1. 16.

Pompey, after this, affected, on all public occasions, to pay so great a court to Cicero, that the popular faction gave him the name of Cneius Cicero.

Middl.
p. 266.

There was one point which Pompey had much at heart to carry this summer, the election of L. Afranius, one of his creatures, to the consulship. To engage Cato not to oppose him in this undertaking, he sent to him to

pearance of amity towards him; but Cicero suspected it not to be sincere, as is evident from his thirteenth epistle to Atticus, in which he says of Pompey, "That indeed he made great professions of esteem and consideration for him, and affected openly to support and praise him; but it was easy enough to see he envied him, though he endeavoured to conceal it."—The character that Cicero gives him in the same letter is very different from that of Scipio, to whom he had compared him a little before: his words are, speaking of his conduct, "Nihil come, nihil simplex, nihil ἐν τοῖς πολιτικοῖς honestum, nihil forte, nihil liberum." And again in the twentieth of the same book, "Is vir nihil habet amplum, nihil excelsum, nihil non summissum, et popolare." Would one believe that the hero of the fine oration *Pro lege Manilia*, and the Pompey thus described, were the same man? "Had he nothing great? nothing elevated? nothing but what was mean and vulgar? Was there neither dignity, nor spirit, nor freedom, nor candour, nor honesty, nor good-nature, in his whole behaviour?" *Observations on the Life of Cicero*, p. 19.

ask his two nieces (some call them his daughters) in marriage, the elder for himself, the younger for his son. Cato's wife and sister were overjoyed at the proposal, as highly honourable and advantageous to the family : but Cato, who was aware of Pompey's views, gave to the person, charged with the negotiation, the following answer, without hesitating a moment : " Tell Pompey, that Cato is not to be snared by women ; that he values his friendship highly ; and that so long as his designs shall be just and reasonable, he may depend upon Cato as a more steady friend than can be made by any alliances whatever. But I will not give him hostages to secure my inaction when my country shall have need of my assistance."

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Plut. in
Cat.

Pompey nevertheless pursued his enterprise, in which he fought (says Cicero) not with the weapon of authority, nor with that of interest, but with what Philip of Macedon took every fortress, into which he could drive a loaded ass. Plutarch tells us, that Pompey himself distributed the money openly in his own gardens : but Cicero mentions it as a current report, that the consul Piso had undertaken to divide it at his house : which gave birth to two new laws, drawn up by Cato, and his brother-in-law Domitius Ahenobarbus, and supposed to be levelled at the consul ; the one of which gave liberty to search the houses even of the magistrates, on informations of bribery ; the other declared all those enemies to the state at whose house the dividers of money were found. Pompey, however, obtruded Afranius upon the city, by which he greatly disgusted the aristocratic faction.^o

Ad Att.
1. 16.

Plut. in
Pomp.

Ad Att.
1. 16.

He had been making preparations all this summer for his triumph, which he deferred to his birth-day, the 30th of September ; having resided in the meanwhile, as usual, in the suburbs : so that the senate and

Middl.
p. 267.

^o Plutarch says, that Cato's wife and sister, when they saw how Pompey dishonoured himself, by practising the arts of bribery, in so shameful a manner, were convinced that Cato had judged wisely in rejecting his alliance.

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people, in compliment to him, held their assemblies generally, during that time, without the walls. His triumph lasted two days, and was the most splendid which had ever been seen at Rome: he built a temple to Minerva out of the spoils, with an inscription giving a summary of his victories: That he had finished a war of thirty years: had vanquished, slain, and taken 2,183,000 men; sunk or taken 846 ships; reduced to the power of the empire 1,538 towns and fortresses; and subdued all the countries between the lake Mæotis and the Red Sea.^P

P CN. POMPEIVS. CN. F. MAGNVS. IMP.
BELLO. XXX. ANNORVM. CONFECTO.
FVVIS. FVGATIS. OCCISIS. IN. DEDITIONEM. ACCEPTIS.
HOMINVM. CENTIES. VICIES. SEMEL. CENTENIS.
LXXXIII. M.
DEPRESSIS. AVT. CAPT. NAVIBVS. DCCCXLVI.
OPPIDIS. CASTELLIS. MDXXXVIII.
IN. FIDEM. RECEPTIS.
TERRIS. A. MAEOTI. LACV. AD. RVBRVM. MARE.
SVBACTIS.
VOTVM MERITO MINERVAE.

Plin. Hist. Nat. 7. 26.

Crevier,
tom. 12.
l. 38.

Oros. l. 6.
c. 6.
Plin. l. 7.
c. 26. et
37. 2.
Plut. in
Pomp.

At the head of the triumphal procession, which lasted two days, was carried a banner, with an inscription, importing that Pompey, after he had delivered all the maritime coasts from the pirates, and restored to the Roman people the empire of the sea, triumphed over Asia, Pontus, Armenia, Paphlagonia, Cappadocia, Syria, the Scythians, the Jews, the Albanians, Iberia, the island of Crete, the Bastarnæ, and over the kings Mithridates and Tigranes. When, after his triumph, he harangued the people, and, according to custom, gave them an account of his exploits, he said, "That he had fought with two-and-twenty kings, and had so far extended the frontiers of the empire, that Asia Minor, which, before his conquests, was the remotest of the provinces belonging to the Roman people, was now in the centre of them." [This was not then true (says Dr. Prideaux), or at any time after. For Proper Asia was never in the middle of the Roman empire. Beyond the Tigris it was never extended eastward, but at this time it reached westward as far as the Atlantic Ocean; and from thence to Proper Asia was more than double the distance of Tigris from that province.]

Vid. supra,
p. 359.

Plin. 12. 4.
Vid. supr.
p. 376.

The riches displayed in this third triumph of Pompey were prodigious. A chess or draught-table, made of two precious stones, four feet long and three feet wide. A moon of gold, of above thirty pounds weight: three table-beds of gold also; one of which, it is said, had belonged to Darius Hystaspes. Vessels of gold adorned and enriched with precious stones, enough to furnish nine buffets: three statues of gold: one of Minerva, another of Mars, and the third of Apollo: the golden vine of Aristobulus, which has been spoken of before: three-and-thirty crowns of pearl: a little chapel, consecrated to the Muses, all of pearl, with a sun-dial a-top: the effigies of Pompey himself, made also of pearls; besides a chest filled with jewels and rings of great value, which had belonged to Mithridates, and which Pompey consecrated in the Capitol with the golden vine, and much other riches. Add to these the throne and sceptre of the same Mithridates, and a bust of that prince in gold, of the height of eight cubits: a silver statue of Pharnaces, grandfather of Mithridates: and wag-gons full of gold and silver. Among the natural curiosities displayed in this triumph, the ebony-tree was now seen at Rome for the first time.

The gratifications given by the triumphant victor to the officers and soldiers were also expressed in an inscription on a table carried in the show, which inscription de-

CHAP. XI.

Catulus dies. The union of the senate with the knights, which was formed in 690, is broke in this year, 692.

The next year, Metellus Celer and Afranius being consuls, Pompey endeavours to get a confirmation, by the senate, of all his acts in Asia, and to obtain an Agrarian law in favour of his soldiers. The city is alarmed with the rumour of a Gallic war. Clodius forms a scheme to revenge himself on Cicero, for having appeared a witness against him at his trial for impiety. Cicero's conduct on occasion of this danger. Julius Cæsar from Farther Spain (of which province he had been appointed to take the government after the expiration of his prætorship) returns with glory to Rome. In the end of the year 693 the first triumvirate is formed.

BEFORE the end of this year the aristocratic cabal lost one of its most considerable members by the death of Catulus, who, in his public conduct, seems never to have had any thing in view but the perpetuating of the usurped power of the senate, an infamous assembly, usually influenced and governed by him, in conjunction with some few others of the Cornelian brood, patriots

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clared likewise, that whereas the whole revenue of the republic, before his conquests, had not exceeded fifty millions of drachmas a year, her revenues from the countries alone which he had conquered amounted to eighty-five millions.

This display of riches was accompanied with a show of a different kind; waggons filled with arms of all sorts, beaks of ships, a multitude of prisoners of war, not loaded with chains (as had been the custom in former times), but every one at liberty, and dressed after the mode of their respective countries. Immediately before the triumphal car marched the kings, princes, and great lords, to the number of 324, who had been subdued by force of arms, or delivered as hostages: in particular the younger Tigranes, with his wife and daughter; and queen Zozima, the wife of the elder Tigranes: seven children of Mithridates, viz. five princes, Artaphernes, Cyrus, Oxathres, Xerxes, and Darius; and two princesses, Orsabaritis and Eupatra: Olthaces, who had reigned in Colchis: Aristobulus, king of the Jews, with his son Antigonus and two daughters: some tyrants, and the captains of the Cilician pirates: princesses of Scythia: three Albanian generals, two Iberian: the hostages of those nations and of the king of Comana: and last of all Menander, commander in chief of Mithridates's cavalry.

Several pictures followed, which represented the vanquished kings, or the battles gained either by Pompey or his lieutenants: a detail of the adventures of Mithridates, especially the nocturnal battle, wherein he was entirely defeated; his flight; the siege that he maintained in Panticapæum; his death, and that of his two daughters who chose to die with him. There were likewise the portraits of several other of his children, of both sexes, who died before him. This long string of pictures was closed by the gods of the barbarians, led in triumph, together with their worshippers.

And now appeared Pompey himself, mounted on a car, glittering with precious stones, and clothed in a military robe, said to be that of Alexander, which Mithridates had found among the treasures brought into the island of Cos by Cleopatra, queen of Egypt, grandmother of Ptolemy Alexander II. The principal officers of the army followed the car, some on foot, some on horseback.

It had been formerly the custom, when the triumphal procession was over, to put the captives to death, or condemn them to perpetual imprisonment: but the Roman manners were now somewhat softened. Pompey's captives were sent back to their own countries: only Aristobulus and the younger Tigranes were detained, that Hyrcanus and the elder Tigranes might enjoy peace in their dominions.

Liv. Epit.
l. 103.

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formed under the discipline of Sylla, and invariable enemies of the free constitution of Rome. Nor was this the greatest adversity they sustained in this same year; they lost the support of the equestrian order. It was one of Cicero's chief glories to have formed a close union between that order and the senate, a union which never could be effected till the knights were become as corrupt and as infamous as the senators. The two gangs of robbers were then, by the persuasions of the eloquent consul, brought into an agreement to support one another: but as such unions are frequently broke by disputes about the plunder, so it happened in the present instance. But let us hear Cicero himself relate the sad tale in a letter to Atticus.

Middl.
p. 271.
Ad Att.
1. 17.

“ We live here in an infirm, wretched, tottering republic: for you have heard, I guess, that our knights are now almost disjoined again from the senate. The first thing which they took amiss was the decree for calling the judges to account who had taken money in Clodius's affair: I happened to be absent when it passed, but hearing afterward that the whole order resented it, though without complaining openly, I chid the senate, as I thought, with great effect, and in a cause not very modest, spoke forcibly and copiously. They have now another curious petition, scarce fit to be endured; which yet I not only bore with, but defended. The company who hired the Asiatic revenues of the censors complained to the senate, that, through too great an eagerness, they had given more for them than they were worth, and begged to be released from the bargain. I was their chief advocate, or rather indeed the second; for Crassus was the man who put them upon making this request. The thing is odious and shameful, and a public confession of their rashness: but there was great reason to apprehend, that, if they should obtain nothing, they would be wholly alienated from the senate; so

that this point also was principally managed by me. For, on the 1st and 2d of December, I spoke a great deal on the dignity of the two orders, and the advantage of the concord between them, and was heard very favourably in a full house. Nothing however is yet done; but the senate seems well disposed: for Metellus, the consul elect, was the only one who spoke against us; though that hero of ours, Cato, was going also to speak, if the shortness of the day had not prevented him. Thus, in pursuit of my old measures, I am supporting, as well as I can, that concord which my consulship had cemented: but since no great stress can now be laid upon it, I have provided myself another way, and a sure one, I hope, of maintaining my authority, which I cannot well explain by letter, yet will give you a short hint of it. I am in a strict friendship with Pompey—I know already what you say—and will be upon my guard, as far as caution can serve me; and give a farther account, some other time, of my present conduct in politics. You are to know in the meanwhile, that Lucceius designs to sue directly for the consulship; for he will have, it is said, but two competitors: Cæsar, by means of Arrius, proposes to join with him; and Bibulus, by Piso's meditaion, thinks of joining with Cæsar. Do you laugh at this? Take my word for it, it is no laughing matter.—December the 5th.”^a

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With regard to the first of the two affairs above mentioned, it should be remembered, that the knights, though they sat in judgment with the senators, were not subject to the penalties denounced by the laws against judges who suffer themselves to be corrupted:

^a This year, 692, produced nothing of importance in affairs abroad; Scaurus, whom Pompey had left in Syria, made an incursion into Arabia Petraea; but, for 300 talents of silver, sold a peace to Aretus, king of that country. Vid. supr. p. 147. 149.

Quintus Cicero, brother of the orator, and brother-in-law of Atticus (whose sister he had married), had been prætor the preceding year, and now governed the province of Asia, which, at the expiration of his prætorship, had been assigned to him, and there he remained three years. The orator, in some of his letters to Quintus, recommends to him the example of C. Octavius (Augustus Cæsar's father, whose second wife was Atia, the daughter of Julius Cæsar). Octavius was prætor this year at Rome: and Cicero ascribes to him all the qualities of an excellent magistrate.

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Middl.
p. 273.

Ad Att. 1.
18. it. 2. 1.

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Ad Att.
2. 19.

Dio, l. 37.
52.

indeed the tribune Drusus, in 662, passed a law which subjected them to those penalties : but he was murdered soon after, and all his laws were annulled. Cato, on occasion of the scandalous judgment in the case of Clodius, bestirred himself with so much zeal, as to procure a new law of the same import with that of Drusus.

As to the petition of the knights, concerning the Asiatic revenues, Cato, when he came to speak to it, opposed it resolutely, and (having justice and reason on his side) prevailed to have it rejected : which Cicero often condemns as contrary to all good policy : and complains sometimes in his letters, that Cato, though he was the only man that had any regard to the republic, yet frequently did mischief, by pursuing his maxims absurdly, and without any regard to the times.^r

Q. Cæcilius Metellus Celer and L. Afranius were now entered upon the consulship. By the influence of the latter (assisted by some of the tribunes), Pompey, whose creature he was, imagined he should readily obtain the ratification of his acts, together with an Agrarian law, which he was pushing forward at the same time, for the distribution of lands to his soldiers. But he was vigorously opposed in both by the other consul Metellus, his enemy professed, and the more heated by a private resentment of the affront offered to his sister Mucia, whom Pompey had lately put away. Lucullus, who was personally interested in the first article, all his orders and regulations having been reversed by Pompey, declared, that the senate ought not to confirm his acts in the gross, as if they received them from a master, but to consider them separately, and ratify those only which

^r “ It was the fault of Cato (says a very ingenious writer, speaking of this transaction) not to see that public affairs are incapable of perfection, and that it is impossible to govern a state without submitting lesser interests to greater.” [How far this doctrine is supportable in the two present instances, the reader will judge.] “ Hence it was that, with admirable intentions for the service of his country, he sometimes did a great deal of mischief, for want of distinguishing between what was good in speculation, and what in practice.” [A distinction somewhat like that for which the Jesuits, in their casuistry, have contended, and which has been so severely censured by M. Paschal.]

were found to be reasonable. Crassus, Cato, and Metellus Creticus, joined Lucullus in the opposition, and the generality of the senate being of the same side, Pompey could not carry his point there. He wholly employed himself now, therefore, to get his Agrarian law passed: and, to make it the more palatable, other citizens, besides the soldiers, were (by a clause inserted therein) to share in the distribution.

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Nevertheless, the consul Metellus, and his associates, opposed this enterprise with no less warmth than they had the other. The tribune Flavius, the promoter of the law, impatient of the opposition he met with, and animated by Pompey's power, had the hardiness to commit Metellus to prison; and when all the senate followed, and resolved to go to prison too, he clapped his chair to the prison-door to keep them out: but this violence gave such a general scandal to the city, that Pompey found it advisable to draw off the tribune, and release the consul. In order to allay these heats, Cicero (of whose conduct, with regard to the confirmation of Pompey's acts, no mention is made in history; nor in the letters to Atticus) offered an amendment to the Agrarian law, which satisfied both parties, by securing the possessions of all private proprietors, and hindering the public lands from being given away. His proposal was, that out of the new revenues, which Pompey had acquired to the empire, five years' rent should be set apart to purchase lands for the intended distribution. But the progress of the affair was suspended by the sudden alarm of a Gallic war, which was always terrible to Rome, and being now actually commenced by several revolted nations, called for the immediate care and attention of the government.

Middl.
p. 275.
Dio, l. 37.

Ad Att. 1.
19.

The senate decreed the two Gauls severally to the two consuls, and required them to make levies without any regard to privilege, or exemption from service: and that three senators should be chosen by lot, one of them

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Ad Att. 1.
20.
Vid. supra,
p. 532.
note g.

of consular rank, to be sent with a public character to the other Gallic cities, to dissuade them from joining in the war. In the allotment of these ambassadors, the first lot happened to fall upon Cicero; but the whole assembly remonstrated against it, declaring his presence to be necessary at Rome, and that he ought not to be employed on such an errand. The same thing happened to Pompey, on whom the next lot fell, who was retained also with Cicero, as two pledges of the public safety. The three at last chosen were Q. Metellus Creticus, L. Flaccus, and Lentulus. The Transalpine Gaul, which was the seat of the war, fell to the lot of the consul Metellus, who could not contain his joy upon the prospect of glory which it offered him. “Metellus (says Cicero) is an admirable consul: I blame him only in one thing, for not seeming pleased with the news of peace from Gaul. He longs, I suppose, to triumph; I wish that he was as moderate in this as he is excellent in all other respects.” [For he is an admirer and imitator of ME.]

Pompey, finding the aristocratical faction united as one man against him (which rendered all his efforts hitherto ineffectual), and resolving nevertheless to carry his point, gave himself up more entirely than ever to the faction of the people, and connected himself even with Clodius, because a favourite of the multitude.

Middl.
p. 280.

Ad Att. 2.
1.

Clodius, who had been contriving how to revenge himself on Cicero, began now to give an opening to the scheme which he had formed for that purpose. His project was to get himself chosen tribune, and in that office to drive him out of the city. But as all patricians were incapable of the tribuneship by its original institution, so his first step was to make himself a plebeian by the pretence of an adoption into a plebeian house, which could not yet be done without the suffrage of the people. This case was wholly new, and contrary to all the forms, wanting every condition, and serving none

of the ends, which were required in regular adoptions ; so that, on the first proposal, it seemed too extravagant to be treated seriously. The solicitor of it was one Herennius, an obscure hardy tribune, who first moved it to the senate, and afterward to the people ; but met with no encouragement from either : for the consul Metellus, the brother-in-law to Clodius, though he gave into it at first, warmly opposed it afterward, and declared, that he would strangle him sooner with his own hands, than suffer him to bring such a disgrace upon his family. Herennius, however, persisted to press it, but without any visible success ; and so the matter hung through the remainder of the year.

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Ad Att. 2.
1.

Pro Cælio,
24.

Cicero affected to treat it with contempt, sometimes rallying Clodius with much pleasantry, sometimes admonishing him with no less gravity : he said to him one day in the senate, “ Your attempt ought to give us no manner of pain : it will be no more in your power, when a plebeian, to overturn the state, than it was in the power of the patricians of the same stamp in the time of my consulship.” But whatever face the orator put outwardly upon this affair, it gave him a real uneasiness within, and made him unite himself more closely with Pompey, for the benefit of his protection against a storm, which he saw ready to break upon him. Imagining, at the same time, that this step would be censured by many, as a desertion of his old principles, he takes frequent occasion to explain the motives of it to his friend Atticus, declaring, “ That the absolution of Clodius, the alienation of the knights, the indolence and luxury of the consular senators, who minded nothing but their fish-ponds, their carps, and mullets, and yet were all envious of him, made it necessary for him to seek some firmer support and alliance.—That in this new friendship he should attend still to what the Sicilian wag Epicharmus whispered, ‘ Be watchful, and distrust ; for those are the nerves of the mind.’ ” On an-

Ad Att.
2. 1.

Middl.
p. 281.

Ad Att. 1.
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other occasion he observes, "That his union with Pompey, though useful to himself, was more useful to the republic, by gaining a man of his power and authority, who was wavering and irresolute, from the hopes and intrigues of the factious: that if this could not have been done without drawing upon himself a charge of levity, he would not have purchased that, or any other advantage, at such a price; but he had managed the matter so, as not to be thought the worse citizen for joining with Pompey, but Pompey himself the better by declaring for him.—That, since Catulus's death, he stood single and unsupported by the other consulars in the cause of the aristocracy; for, as the poet Rhinton says, some of them were good for nothing, others cared for nothing. But how much these fishmongers of ours envy me (says he), I will write you word another time, or reserve it to our meeting. Yet nothing shall ever draw me away from the senate; because to adhere to it is right, and most agreeable to my interest, and because I am pleased with the marks of respect which they give me." In a third letter he says, "You chide me gently for my union with Pompey: I would not have you to think, that I sought it for my own sake; but things were come to such a crisis, that, if any difference had happened between us, it must have caused great disturbance in the republic, which I have guarded against in such a manner, that, without departing from my own maxims, I have rendered him the better, and made him remit somewhat of his popularity: for you must know, that he now speaks of my acts, which many have been incensing him against, much more gloriously than he does of his own: and declares, that he had only served the state successfully, but that I had saved it. What good this will do me, I know not; but it will certainly do much to the republic. What if I could make Cæsar also a better citizen, whose winds are now very prosperous; should I do any great harm by it? Nay, if

Ad Att.
2. 1.

there were none who really envied me, but all were encouraging me as they ought, it would yet be more commendable to heal the vitiated parts of the state, than to cut them off: but now, when that body of knights, who were planted by me in my consulship, with you at their head, as our guard in the Capitol, have deserted the senate, and our consulars place their chief happiness in training the fish in their ponds to feed from their hands, and mind nothing else; do not you think, that I am doing good service, by managing so, that those who can do mischief, will not? For, as to our friend Cato, you cannot love him more than I do; yet, with the best intentions and the greatest integrity, he often hurts the republic; for he delivers his opinion as if it were in the polity of Plato, not in the dregs of Romulus. What could be more just than to call those to an account who had received money for judging? Cato proposed, the senate agreed to it: the knights presently declared war against the senate, not against me; for I was not of that opinion. What more impudent than to demand a release from their contract? Yet it was better to suffer that loss, than to alienate the whole order: but Cato opposed it, and prevailed; so that now, when the consul was thrown into prison, as well as in all the tumults which have lately happened, no one of them would stir a foot; though under me, and the consuls that succeeded me, they had defended the republic so strenuously," &c.

In the midst of these transactions, Julius Cæsar returned from the government of Farther Spain,^s with great fame both for his military and political acts. That province had been allotted him from the expiration of his office of prætor, which he held in 691. He had

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Ad Att.
2. 1.

Pro Balbo
19. Suet.

^s Plutarch tells us, that in Cæsar's journey to Spain at this time, when some of his friends took notice of the miserable condition of the inhabitants of some little town on the Alps, and one asked another in pleasantry, whether there could be any disputes in that place about ranks and offices, or any jealousies among their chiefs, Cæsar, with an air of seriousness, declared, that he would rather be the first man there than the second in Rome.

J. Cæs.
18. vid. it.
Dio, l. 37.
p. 54.

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Suet. in J.
Cæs. 18,
19.

conquered the barbarous nations by his arms, and civilized them by his laws; and having subdued the whole country as far as the ocean, and been saluted emperor by the soldiers, came away in all haste to Rome, to sue at the same time for the double honour of a triumph and the consulship. But his demand of the first was incompatible with his pretensions to the second; the one obliging him to continue without the city, the other making his presence necessary within. Many of the senators, however, were well inclined to dispense with the laws in his favour. Cato opposed this with his usual steadiness; and, lest his reasons should not prevail, he kept talking till the house broke up. The time for the elections was at hand: Cæsar, therefore, made no hesitation in preferring the solid to the specious; he ceased his pursuit of the triumph to stand for the consulship, joining interests with L. Lucceius, formerly mentioned,^t on condition that this candidate, who was rich, should furnish the money to bribe the centuries. The senate, that Cæsar might not have a colleague, subservient to his will, espoused the other candidate Bibulus with all their authority, and made a common purse to enable him to bribe as high as his competitors: which bribery even Cato (if we may believe Suetonius^u) approved, as thinking it for the public good. By this means they got Bibulus elected, a man firm to their interests, and determined to obstruct every attempt of Cæsar which they should dislike.

Crassus, Pompey, and Cæsar, were at this time the men who bore the greatest sway in the state, the first by reason of his prodigious wealth, Pompey for his power with the soldiery, and Cæsar for his admirable eloquence, and a peculiar nobleness of spirit. These three entered into a solemn agreement to let nothing pass in the commonwealth without their joint approba-

^t Vide supra, p. 451.

^u “Plerique pecunias contulerunt, ne Catone quidem abnuente eam largitionem e Rep. fieri.”

tion, which triple league is commonly called the first triumvirate.

Pompey's chief motive to this alliance, was to get his acts confirmed by the influence of Cæsar in his consulship.

The aim of Crassus was to maintain, by the assistance of Pompey's authority and Cæsar's vigour, that rank in the state which, without their aid, he could not hope to preserve. He had purchased the friendship of Cæsar at the time when the latter, just on the point of setting out to take possession of his government of Spain, was grievously importuned by his clamorous creditors, who sought to obstruct his departure: Crassus became bound for him as far as 200,000*l.* sterling (for so much did he want to be worth nothing, as he merrily said of himself): and it is highly probable, that what induced Crassus to act so friendly a part at that time, was to be enabled to make head against his rival Pompey by the auxiliary strength of Cæsar: but now it was become his interest to join with Pompey, as well as with Cæsar, in one common scheme.

As for Cæsar, he, without question, in giving way to Pompey's glory, had the advancement of his own in view: but, whatever private views each of the confederates may have had, if we consider in what hands^x the

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Vell. Pat.
2. 44.

Plut. in
Cæs. App.
de B. Civ.
2. p. 432.
Suet. ib. 18

Vell. Pat.
2. 44.

^x Dr. Middleton begins the fourth section of his first volume of the Life of Cicero with these words:

"Cicero, being now reduced to the condition of a private senator, was to take his place on that venerable bench of consulars, who were justly reckoned the first citizens of the republic. They delivered their opinions the first always in the senate, and commonly determined the opinions of the rest: for, as they had passed through all the public offices, and been conversant in every branch of the administration, so their experience gave them great authority in all debates; and having little or nothing farther to expect for themselves, they were esteemed not only the most knowing, but, generally speaking, the most disinterested, of all the other senators, and to have no other view in their deliberations but the peace and prosperity of the republic.

"This was a station exactly suited to Cicero's temper and wishes; he desired no foreign governments, or command of armies: his province was the senate and the Forum; to guard, as it were, the vitals of the empire, and to direct all its counsels to their proper end, the general good; and in this advanced post of a consular senator, as in a watch-tower of the state, to observe each threatening cloud and rising storm, and give the alarm to his fellow-citizens from what quarter it was coming, and by what means its effects might be prevented."

To this description of a consular senator, if we compare it with what Cicero him-

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Vid. supr.
p. 289, &c.

P. 476.

P. 506.

P. 528.

P. 529.

P. 550.

administration of the empire had been of late years, it will not, perhaps, seem wonderful that those three men, having a favourable opportunity to do it, should take into their own hands the management of the public affairs. The triumvirs cannot be said to have made attempts on the Roman constitution, or indeed on any legal authority or government. Anarchy prevailed. We have seen senators the most celebrated by the historians for their patriotism, employing themselves in the infamous practices of corrupting judges, and suborning false witnesses: we have seen a daring ruffian threatening a full senate with destruction, and yet suffered by the senate peaceably to go and put himself at the head of an army that was to effect that destruction; yet we have seen the same senate presently after, assume a lawless power of putting citizens of the first rank to death, without previous trial and condemnation: we have seen them presume to suspend a tribune of the people from the exercise of his office, and openly, by a common purse, practise that bribery they had so often condemned, as ruinous to the state. Cato, that stout champion of the laws, we have seen him a riotous magistrate, violating the privileges of the tribuneship in the person of one of his colleagues, and, from personal hatred to Cæsar, approving of bribery and corruption in the election of magistrates, after he himself had prosecuted Muræna for a violation of the laws in that par-

self says of a venerable bench, may, I think, be applied, not improperly, a passage in Monsieur Bayle, where, on occasion of some groundless reflections, delivered in a pompous oratorical style, by the Abbé de St. Real, on the conduct of King Lewis XI. of France, he exhorts his reader to beware of reflections so adorned.—“ Je souhaite que cette remarque serve d’avertissement au lecteur, qu’il n’y a point de pensées dont il faille plus se défier que de celles qu’on debite d’une manière éblouissante, et d’un ton majestueux. Les réflexions de l’Abbé de St. Real que je viens d’examiner, sont les plus propres du monde à éblouir; mais otez leur ornemens, regardez-les un peu de près en elles-mêmes, vous n’y trouverez rien de solide.” Dict. de Bayle, artic. Louis XI. rem. V.

Who would expect that the doctor’s venerable bench of consular senators were, according to Cicero himself, only a company of fishmongers, of whom some were good for nothing, and others minded nothing but their fish-ponds, their carps, and mullets, and placed their chief happiness in training the fish in their ponds to feed from their hands? See Middl. p. 281—283. And see what Cato says of their regard for the republic, *supra*, p. 504, 505.

ticular: and, lastly, Cicero, the consummate patriot, pleading in defiance of his own reason and conscience, against punishing, or even calling to account, judges, notoriously guilty of selling the most iniquitous decrees.

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Vid. supr.
p. 542.
Middl.
p. 287.

The league of the triumvirs seemed to want a man of Cicero's character to make it complete: for, whenever they should be engaged in foreign governments, or the command of armies abroad, his authority would be of singular use at home, to manage the affairs of the city, and solicit what they had to transact with the senate or people. Cæsar, therefore, just before he entered upon the consulship, sent him word (by their common friend Cornelius Balbus) that he would be governed in every step by him and Pompey, and would likewise use his utmost endeavours (for the triple league was not yet divulged) to effect a perfect agreement between Pompey and Crassus.

De Prov.
Cons. 17.
Ad Att.
2. 3.

A union, formed by Cæsar, between Crassus and Pompey, gave Cicero no pleasing prospect with regard to the public; and he was much at a loss to know how to act in this crisis, as he signifies to Atticus in the letter, where he mentions Cæsar's message to him by Balbus.

BOOK IX.

FROM THE END OF THE YEAR 693, WHEN THAT TRIPLE LEAGUE BETWEEN CRASSUS, POMPEY, AND CÆSAR, WHICH IS CALLED THE FIRST TRIUMVIRATE, WAS FORMED, TO THE BEGINNING OF THE CIVIL WAR IN THE YEAR 704.

CHAP. I.

The acts of the triumvirate during Cæsar's consulship, year of Rome 694.

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WHEN C. Julius Cæsar and L. Calpurnius Bibulus entered upon the consulship, four affairs of very great importance, and much contested, were depending :

1. Pompey's Agrarian law.
2. The ratification of Pompey's acts in the east.
3. The petition of the knights, farmers of the Asiatic revenues, to be released from the contract they had made with the censors (for though their petition had been once rejected by the senate, they renewed their solicitations) : and,
4. Clodius's project of making himself a plebeian, that he might be capable of the tribuneship.

As the political principles of Cæsar and Bibulus were wholly opposite to each other, so were their views and proceedings. But the main trial of strength between them was about the Agrarian law. Cæsar had prepared it, and now resolved to propose it in his own name. He presented it first to the senate, asking their consent to lay it before the people. He represented to them, that a distribution of lands among the poor citizens was not only useful, but even necessary for disburdening the city of arr-indigent multitude, ever prone to sedition,

Dio, l. 38.
p. 58, 59,
60.

to repeople and cultivate several parts of Italy which were deserted, and to recompense the soldiers who had bravely and faithfully served the commonwealth.

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That the law, as he had prepared it, could bring no new charge either on the state or on private persons: that, in the distribution of the public lands, he had excepted the territory of Capua, so valuable by its fertility. That, as to those lands which were to be bought of private persons, he had ordered, that it should be only of such persons as were willing to sell; and that the price of the lands should be according to their valuation in the censor's books. That the republic was enabled to bear this expense, as well by the prodigious sums that Pompey had brought into the public treasury, as by the tribute that he had imposed upon his new conquests.

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Cæsar observed farther, that, for the distribution of the lands, twenty commissioners were to be elected, a number too large to leave room for the apprehension of their agreeing in any thing that might be dangerous to the public liberty. That, content with the honour of having proposed the affair, he had excepted himself out of the number of those who might be chosen for the employment; and he concluded with an intimation that there were twenty honourable places, which might be agreeable to some of the senators.

When he had thus represented the matter to the senate in general, he addressed himself to each of the senators in particular, desiring him to declare whether he had any thing to object to the law proposed, and offering to retrench those articles that could justly displease, and even to abandon his project entirely, if it could be shewn to be unreasonable.

To these questions (if we may believe Dio) the senate could not answer a word, nor point out any thing exceptionable in the law; and he adds, that nothing piqued them so much as to find, that a proposal which

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Cat. et Cæs.

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they extremely disliked was not liable to censure. Even Cato was unable to find fault ; yet he warmly and obstinately opposed the law, assigning no other reason for so doing, but that, in his opinion, things ought to remain as they were. It is probable that Cato (whom we have formerly seen lose all regard to decency in his treatment of Cæsar) provoked him, on this occasion, with some outrageous abuse, such as might justify him, as being then one of the supreme magistrates, in committing the offender to prison. Cato, being ordered into custody, left the senate-house without a word of complaint, but continued talking against the law as he went along.^a Cæsar, either because he condemned his own anger as intemperate, or because he perceived the senators much displeased, presently released the prisoner, and dismissed the assembly ; but declared to them at the same time, that, since they would neither approve his law, nor say what they had to object to it, he would refer it to the people. He did as he had threatened : he consulted the senate no more in this affair, nor in any other that occurred.

When Cæsar brought his law before the people, he had added to it a clause for distributing (what he had before excepted) the lands of Campania to 20,000 poor citizens who had three children or more. He had seven of the tribunes on his side in this contest. Bibulus mustered all his forces, and came down to the Forum, full of courage and resolution, guarded by three of the tribunes and the greater part of the senate ; and as often as Cæsar attempted to recommend the law, he as often interrupted him, and declared, that it should never pass in his year. Cæsar asked him (when they were both in the rostra) whether he found any thing exceptionable in the law ? To which Bibulus made this answer only, that he

^a Dio adds, that several of the senators followed Cato, and, among the rest, M. Petreius, who, being asked by Cæsar, why he went out before the house broke up, answered—"Because I had rather be with Cato in prison, than with you in the senate."

would oppose all innovations. Hereupon Cæsar exhorted the people to employ their entreaties with his colleague to desist from his opposition to a law so beneficial to them. Bibulus, addressing himself to the multitude,—“Not a tittle of it shall pass while I am consul, though you should all desire it:” and away he went, as soon as he had uttered those words. Then Cæsar produced Pompey and Crassus into the rostra to signify their opinion of the law. Pompey, running over the whole, commended every article of it, declaring, that it was highly reasonable the poor citizens should partake of the opulence of the state. The people were delighted. Cæsar, raising his voice, said to Pompey, “Since you approve of the law, I desire to know whether you will support it, in case those who are against it employ violence to hinder its being received?” Pompey answered, “If they come to oppose it with the sword, I will come with sword and buckler to support it;” a declaration received with loud applause by the multitude. Crassus too applauded what Pompey had said, and pressed the acceptance of the law.

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Bibulus, now despairing of success by any other method of opposition, had recourse to the stratagem^b of proclaiming every day a holiday for the remaining part of the year, thereby to hinder all transacting of business with the people. Cæsar laughed at his colleague's edict, and named a particular day for the people to give their suffrages upon the law. While Cæsar, on the day appointed, was speaking to the people, Bibulus arrived, interrupted him, and once more repeated his declaration, that the law should never pass while he was consul. From words the two parties soon came to blows: Bibulus was roughly treated, his three tribunes wounded, and his whole faction driven out of the Forum by the tribune Vatinius, at the head of the triumvirs' faction:

^b Sylla, in his first consulship, made use of the same stratagem in a dispute with the tribune Sulpicius; but the tribune forced him to revoke his ordinance.

Vid. supr.
p. 173.

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so that the law passed upon the spot, without any farther contradiction.

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Cic. in
Vatin.

Bibulus made his complaint the next day, in the senate, of the violence offered to his person; but finding that nobody cared to enter into the affair, or to move any thing about it, he retired to his house in despair, and there shut himself up during all the remaining part of his consulship, that is to say, for eight months entire, exercising no one function of his office, except that, whenever Cæsar undertook any thing new, he republished his ordinance, by which he had converted every day of the year into a holiday.

Plut.
in Cat.

Cic. pro
Sext. 28.

By a special clause in the new law, the senate and all the magistrates were obliged, under grievous penalties, to take an oath to the observance of it;^c which oath Cato himself, though he had publicly declared that he would never do it, was induced at last to take. It is said that Cicero brought him to compliance, by representing to him, that perhaps it was not justifiable for a private person to declare a dislike to what had been regulated by the whole nation: he added, “After labouring for the good of your country, how can you abandon it at this time, and, instead of continuing to fight in its defence, give it up a prey to its enemies, consulting only your own repose? For if Cato has no need of Rome, Rome has need of Cato. All your friends conjure you not to be inflexible, and myself the first of all, to whom you cannot refuse your assistance in the present conjuncture, when Clodius aspires to the tribuneship for my destruction.”

Middl.
p. 294.

Cicero nevertheless speaks with great indignation in a letter to Atticus, of the proceedings of the triumvirs, and wonders at Pompey’s policy in supporting Cæsar in an act so odious as that of alienating the best revenues

Ad Att. 11.
18. et pro
Planc. 2.

^c The obligation of swearing was extended, by the law, to the candidates for next year’s magistracies. M. Juventius Laterensis chose rather to renounce his pretensions to the tribuneship, than take the oath: but he was the only one who acted that part.

of the republic: and says, that he must not think to make them amends, by his rents on Mount Libanus, for the loss of those which he had taken from them in Campania.

During these transactions, Clodius was pushing on the affair of his adoption, and soliciting the people to confirm the law which he had provided for that purpose. The triumvirate pretended to be against it, or at least to stand neuter; but were watching Cicero's motions, in order to take their measures from his conduct, which they did not find so obsequious as they expected. In this interval it happened, that C. Antonius, Cicero's colleague, who had governed Macedonia from the time of his consulship, was now impeached, and brought to a trial for the maleadministration of his province, and being found guilty,^d was condemned to

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^d M. Cœlius (the same Cœlius for whom Cicero afterward pleaded) was the chief of three accusers who impeached Antonius. M. Crevier is of opinion, that Antonius was not prosecuted for maleadministration in his province, but as an accomplice of Catiline: and for this he cites Cic. pro Cœl. "Accusavit [Cœlius] C. Antonium, collegam meum: cui misero præclari in rempublicam beneficii memoria nihil profuit, nocuit opinio maleficii cogitati:" which passage, nevertheless, in conjunction with another, in Cic. pro Flacco (to which the learned writer likewise refers), seems strongly to oppugn that opinion. Flaccus, when prætor in 690, had been instrumental in suppressing Catiline's conspiracy; and so had Antonius, then consul, who, for some crime, was afterward condemned in the beginning of 694. In the same year Flaccus was prosecuted for maleadministration in his province of Asia. His advocate, Cicero, reminds the judges of his client's services against Catiline, and insinuates, that there were persons who had malicious purposes against all those who had served their country on that occasion. "Antonius is already oppressed. Be it so: he had a peculiar infamy upon him: yet even he, if I may be allowed to say it, would not have been condemned by you: upon whose condemnation a sepulchre was dressed up for Catiline.—Now the death of Lentulus is to be revenged on Flaccus. 'Oppressus est C. Antonius. Esto: habuit quandam ille infamiam suam: neque tamen ille ipse,—pro meo jure dico,—vobis iudicibus damnatus esset: cujus damnatione sepulcrum L. Catilinæ celebratum est.—Nunc a Flacco Lentuli pœnæ per vos expetuntur.'" What was the peculiar infamy upon Antonius, that infamy which lessened his merit, and distinguished it from that of Flaccus? Doubtless, it was his being reputed, or rather known to be a friend to Catiline in his heart, while he was acting against him. *Nocuit opinio maleficii cogitati.* "Nevertheless, you (says Cicero to the judges), when he was accused of maleadministration in Macedonia, would have absolved him, on account of the signal service, which, in fact, he did to the republic when he was consul." This seems to be the sense of the orator. He supposes both Antonius and Flaccus to have been prosecuted for maleadministration in their provinces, not because there was sufficient ground for such accusation, but on account of what they had done against Catiline.

Pro Flacc.
38. Beck.
tom. 4. p.
96.

That Antonius, notwithstanding all the power of Cicero's eloquence exerted in his defence, was readily condemned, seems owing to that infamy which Cicero mentions: though unquestionably guilty of rapine and extortion in his province, he would, probably, have escaped condemnation, had not his selling himself to act contrary to his inclinations and engagements made him universally despised and detested

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Ep. 4.
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Transl.

perpetual banishment. Cicero was his advocate; and, in the course of his pleading, happened to fall into a

by both the friends and the enemies of the conspirators. With regard to this advocacy of Cicero for Antonius, there are some particulars which may be thought to deserve attention. Cicero writes to him (then governor of Macedonia, in 691) in these terms:—"Were I to claim even your highest services, the demand could by no means be thought unreasonable, after having contributed every thing on my part for the advancement of your ease, your interest, and your honour." [This hints at his having resigned the lucrative government of Macedonia to him.] "But I may safely appeal to your own conscience, whether you have ever made me the least return: so far from it indeed, that I have heard for I dare not say I have been informed,* as it is an expression, it seems, which you frequently, though, I am sure, injuriously, object to me), I have heard then, that you have intimated something as if—but I leave it to Atticus to tell you the rest: as the report has given him no less concern than it gave myself. In the meantime I will only say, that the senate, and the whole Roman people, have been witnesses of that uncommon zeal with which I have entered into your interest.—Believe me, your present affairs require a much larger proportion of my zeal and pains; the utmost exertion of which shall not be wanting, provided I may have reason to think, that they are not entirely thrown away.—Atticus will inform you in what particular instances you may, probably, have occasion for my good offices."—

L. 1. Ep.
12.

This letter was written towards the end of 691: Atticus was the bearer. On the 1st of January, 692, Cicero writes to Atticus in terms to the following effect: "There is no coming to any conclusion with Teucris [a nickname for Antonius]—Never did I see any thing more impudent, more sly, more dilatory, than she is.—So much the better, perhaps, for me. For Pompey's harbingers tell me, that he will loudly declare for the recall of Antonius from his government, and that the prætor will, at the same time, move it to the people. Now the case is of such a nature, that I cannot defend him, without incurring the censure not only of the most worthy, but even of the vulgar. For something has fallen out, which I must desire you to examine to the bottom. I have a freedman, a worthless fellow, I mean Hilarius, who was your accomptant, and whose patron you are. This Hilarius, as Valerius the linguist, and also Chilius, have signified to me, is now with Antonius, who gives out, that part of the money, which he extorts from the people of his province, is for my use, and that I have sent one of my freedmen to him to be the keeper of our common purse. This touched me very sensibly: not that I gave entire credit to the report: yet some word must have dropped from Antonius to occasion such a story. Endeavour by every method to learn the whole truth; and do not fail to drive that rogue [Hilarius], if it be possible, out of the country. Valerius tells me, that he had the story from Cn. Plancius." [He was, at this time, a tribune of the soldiers in Macedonia; was afterward quæstor in the time of Cicero's exile, and very serviceable to him. He is the same Plancius for whom Cicero afterward spoke the oration pro Plancio.]

Melm. vol.
1. p. 18.
note a.

"The very judicious French translator of the Epistles to Atticus, seems to imagine there was some foundation for this report; as he thinks it probable that Antonius had agreed to pay Cicero a certain sum, in consideration of his having relinquished to him the government of Macedonia: but this is a conjecture altogether unsupported by any evidence. Thus much, however, is certain; in the first place, that Cicero had some demands on Antonius, of a nature which he did not choose should be known; as, whenever he hints at them to Atticus, it is always in a very dark and enigmatical manner: and, in the next place, that he sacrificed his own judgment, and the good

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1. p. 18.

* This alludes to the expression [*se comperisse*] which Cicero had often occasion to employ in the affair of Catiline's conspiracy. As his principal intelligence arose from some of the conspirators themselves, who communicated to him from time to time the designs of their associates, he was obliged to conceal the authors of these discoveries: but though the event proved that his informations were true, yet, in general, this method of accusation was extremely odious, and of dangerous example. Cicero's enemies, therefore, did not fail to take advantage of this popular objection, and were perpetually repeating the phrase, *I am informed*, whenever they were disposed to reproach his conduct in this transaction. See Mong. Rem. 19. on the nineteenth letter of the first book to Atticus. Plut. in vit. Cic. Sallust. Declam. in Cic. 2.

complaint of the times, and the oppression of the re-
public, in a style that was interpreted to reflect severely
upon the present rulers. The story was carried directly
to Cæsar, who disdaining to contest with Cicero in the
way of invectives and smart repartees, yet resolving to
humble him, brought on, without delay, the law to con-
firm Clodius's adoption, instantly calling an assembly of
the curiæ for that purpose. The ministry of one of
the augurs was necessary. Pompey performed this
office, and the affair was carried through all the forms
to a conclusion with surprising dispatch. Cicero pleaded
for Antonius at noon, and at three o'clock Clodius was
a plebeian.

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Pro Dom.
16.
Sueton. in
J. Cæs.

Bibulus, advertised of what was going forward, and
being an augur, sent notice to Pompey, that he was ob-
serving the heavens, and taking the auspices, during
which function no business could legally be transacted
with the people. But Pompey, instead of paying any
regard to his message, gave a sanction to the proceed-
ing, by presiding in it, so that it was carried without
any opposition.^e

Pro Dom.
15.

opinion of the world, in order to support Antonius in his present government. From
which facts the reader is left to draw the conclusion that he shall judge reasonable."
Vid. ad Att. 12. 13, 14.

In the fifth letter of the first book of Ep. Fam. Cicero writes thus to Publius Ses-
tius, quæstor [under Antonius in Macedonia].—"Notwithstanding all the world is
sensible that Antonius has by no means acted towards me with the gratitude he
ought, yet it did not prevent me from being his advocate lately in the senate: when,
by the influence of my authority, and the force of what I said, I greatly disposed
the house in his favour."

"The question in this debate probably turned on the recall of Antonius: a ques-
tion which seems either to have been carried in his favour, or to have been dropped
during a considerable time. For it appears, by a letter to Atticus, written two
years after the date of the present, that Antonius was still in his government: and
Dion Cassius assures us, that he was not brought upon his trial till the consulate of
Cæsar; that is, not till 694. He was then arraigned for his ill conduct in Mace-
donia, and as being concerned likewise in Catiline's conspiracy. This last article
of the impeachment could not be proved; but the truth of it, nevertheless, was
generally believed; however, he was convicted of the former, and condemned to
perpetual banishment. Cicero appeared as his advocate on this occasion," &c.

Melm.

Ad Att.
11.2.

[I have offered some reasons against the supposition of Antonius's being arraigned
as a conspirator with Catiline.]

Vid. supr.
p. 559.

Strabo assures us, that Antonius chose the isle of Cephallenia for the place of his
exile, of which he acquired the entire lordship, and in which he built a new city, but
had not time to put the last hand to the work before he was recalled home. If this
fact be true, Antonius must have enriched himself prodigiously by plundering his
province; for he was over head and ears in debt during his consulship.

Crevier.
Strabo, l.
10. 455.

^e These laws of adoption were drawn up in the style of a petition to the people,
after the following form:—

Middl.
p. 292.

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Dio. 38. 62.
*Vid. supr.
p. 542.

Suet. J.
Cæs. 20.

Cæsar, having made his court to the multitude by the Agrarian law, took the opportunity, which the present conjuncture afforded, to conciliate the knights to him, by doing that which Cicero had blamed the senate for not doing;* that is to say, by easing them of the disadvantageous contract which they long, in vain, complained of, and remitting a third part of what they had stipulated to pay.

And, lastly, Cæsar procured a special law from the people for the ratification of all Pompey's acts in Asia; and, in the struggle about it, so terrified and humbled Lucullus, who was the chief opposer, that he brought him to ask pardon at his feet.

It does not appear, that any other lands but those of Campania were distributed by virtue of the new Agrarian law. Twenty commissioners^f were chosen to make the distribution; and Pompey did not disdain to be of the number. One of them (named Cosconius^g) dying be-

Vid. A.
Gell. lib.
5. 19.

“May it please you, citizens, to ordain, that P. Clodius be, to all intents and purposes of law, as truly the son of Fonteius, as if he were begotten of his body in lawful marriage; and that Fonteius have the power of life and death over him, as much as a father has over a proper son; this, citizens, I pray you to confirm in the manner in which it is desired.”

Pro Dom.
ad Pont.
13.

There were three conditions absolutely necessary to make an act of this kind regular: first, that the adopter should be older than the adopted, and incapable of procreating children, after having endeavoured it without success when he was capable: secondly, that no injury or diminution should be done to the dignity or the religious rites of either family: thirdly, that there should be no fraud or collusion in it; nor any thing sought by it, but the genuine effects of a real adoption. All these particulars were to be previously examined by the college of priests; and if, after a due inquiry, they approved the petition, it was proposed to the suffrage of the citizens, living in Rome, who voted according to their original division into thirty *curiæ*, or wards, which seem to have been analagous to our parishes; where no business, however, could be transacted when an augur or consul was observing the heavens. Now, in this adoption of Clodius, there was not one of these conditions observed: the college of priests was not so much as consulted; the adopter, Fonteius, had a wife and children, was a man obscure and unknown, not full twenty years old, when Clodius was thirty-five, and a senator of the noblest birth in Rome: nor was there any thing meant by it, but purely to procure the tribuneship: for the affair was no sooner over, than Clodius was emancipated, or set free again by his new father, from all his obligations.

^f The twenty commissioners established a colony at Capua, and thus drew that city out of the subjection in which the Romans had kept it for above 150 years. It had all that time borne the punishment of its revolt against Rome after the battle of Cannæ, and had continued without senate, without magistrates, and without an assembly of the people. It was only the retreat of those who cultivated the territory, and every year an officer was sent from Rome to administer justice there. Raised by Cæsar to the rank of a colony, it was delivered from this kind of servitude. The Roman colonies were like little commonwealths, which governed themselves in imitation of Rome, the metropolis. Crev.

^g Cosconius had been prætor in Cicero's consulship, and afterward proconsul in Spain.

fore the end of the year, his place was offered to Cicero, but he refused it: and he tells us, that Cæsar often reproached him afterward with this refusal, as a proof of his enmity, and that he would receive no favour from him.

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19.

Cic. ad
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Ad Att.

2. 6.

During a great part of the time when these things were in agitation, Cicero contrived to be out of the way. He spent the months of April and May in the country, mostly at his villa near Antium, where he had placed his chief collection of books, amusing himself with his studies and his children, or, as he says jocosely, in counting the waves. For he was under no small difficulty to determine how he should act in relation to the public affairs. If he opposed the triumvirate, he could not expect to continue well with Pompey (with whom he wished, at the same time, to engage in a separate alliance, imagining that this would be sufficient to screen him from the malice of his enemies): if he made himself subservient to the triumvirate, he could not expect to continue well with the senate: in the first he saw his ruin; in the second, the loss of his credit. He chose, therefore, a middle way; which was, so to temper his behaviour, that, without submitting to explicit approbation of what was doing by the triumvirs, he might avoid irritating their power to his own destruction. This was the scheme of politics, which (as he often laments) the weakness of the honest [the fish-pond men], the perverseness of the envious [nobody knows who], and the hatred of the wicked [the popular party], obliged him to pursue.

Ib. 1. 19.

While Cicero was in the country, he was desired by Atticus to send him the copies of two orations which he had lately made. His answer was, that he had torn one of them, and could not give a copy; and did not care to let the other go abroad, for the praises which it bestowed on Pompey; being disposed rather to recant than publish them, since the adoption of Clodius.—He

Ib. 2. 7.
Middl.
p. 296.

Ad Att.
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Ib. 7.

seems indeed to have been too splenetic at present to compose any thing but invectives, of which kind he was now drawing up certain anecdotes, as he calls them, or a secret history of the times, to be shewn to none but Atticus, in the style of Theopompus, the most satirical of all writers. All his politics, he says, were reduced to this one point, of hating bad citizens [the leaders of the popular party], and pleasing himself with writing against them : and since he was driven from the helm, he had nothing to wish, but to see the wreck from the shore ; or, as Sophocles says,

“ Under the shelter of a good warm roof,
With mind serenely calm, and prone to sleep,
Hear the loud storm and beating rain without.”

Ib. 12.

Clodius, having got through the obstacle of his adoption, began, without loss of time, to sue for the tribuneship ; whilst a report was industriously spread, which amused the city for awhile, of a breach between him and the triumvirs. The new plebeian declared every where loudly, that his chief view, in desiring the office of tribune, was to rescind all Cæsar's acts ; and Cæsar, on his part, as openly disclaimed any share in his adoption, and denied him to be a plebeian.^h This story (whether true or false) was eagerly carried to Cicero by his dear disciple, the younger Curioⁱ (who had assured him before, that he hated, to a prodigious degree, the proud kings, and that all the young nobles were as much incensed against them as he himself, and would not bear them much longer), and that Memmius and Metellus Nepos had declared against them : which being confirmed also by Atticus's letters, gave no small comfort to Cicero : all whose hopes of a change, to the

Ib. 8.

Ib. 12.

Ib. 2. 12.

^h “ Negent illi Publium plebeium factum esse. Hoc vero regnum est et ferri nullo pacto potest. Emittat ad me Publius [Clodius] qui obsignent : jurabo Cnæum nostrum collegam Balbi, Antii mihi narrasse, se in auspicio fuisse.” —

Balbus was probably named one of the commissioners with Pompey for planting a colony at Capua, and accompanied Pompey at the time when, in his way thither, Cicero saw him at Antium. Balbus had been prætor. He had married Cæsar's sister, by whom he had a daughter, who married Octavius, father of the emperor Augustus. Mong. tom. 1. p. 394.

ⁱ He was son of Scribonius Curio, consul in 677.

advantage of his cause, depended upon their quarrelling among themselves. The pretended ground of this rupture, as it is hinted in Cicero's letters, was Clodius's slighting an offer, which the triumvirate made to him, of an embassy to king Tigranes. Cicero, mentioning this affair to Atticus, says, "I am much delighted with what you write about Clodius: try all means to search into the bottom of it; and send or bring me word whatever you learn or suspect, and especially what he intends to do about the embassy. Before I read your letter, I was wishing that he would accept it; not for the sake of declining a battle with him, for I am in wonderful spirits for fighting; but I imagined, that he would lose by it all the popularity which he has gained, by going over to the plebeians.—If he slights the embassy, and if this, as you say, disgusts the authors and promoters of the law, we shall have rare sport. But, to say the truth, Publius has been treated somewhat rudely by them, since he, who was lately the only man with Cæsar, cannot now find a place among the twenty; and, after promising one embassy, they put him off with another; reserving, I suppose, the lucrative ones to be bestowed upon Drusus or Vatinius, while they bestow the barren one upon him, whose tribuneship was proposed to be of such use to them. Warn him, I beg of you, on this head, as much as you can; all our hopes of safety are placed on their falling out among themselves, of which, as I understand from Curio, some symptoms begin already to appear."—But all this noise of a quarrel between them was found at last to be without cause; or if there was any real disgust among them, it proceeded not far.

Cicero returned to Rome in June (after an interview with Atticus, who went abroad at the same time to his estate in Epirus). He resolved to decline all public business, as much as he decently could, and to give the greatest part of his time to the bar, and to the defence

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Ad Att.

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Ib. 8.
Middl.
p. 299.

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Middl.

p. 300.

et seq.

Vid. supr.

p. 491.

Pro Flacc.
4, 5.

of causes;^k an employment always popular, which made many friends, and few enemies: so that he was still

^k Among the other causes which he pleaded this summer, he twice defended A. Thermus, and once L. Flaccus, men of prætorian dignity, who were both acquitted. The speeches for Thermus are lost; but that for Flaccus remains, yet somewhat imperfect.

This L. Valerius Flaccus had been prætor in Cicero's consulship, and received the thanks of the senate for his zeal and vigour in seizing Catiline's accomplices; but was now accused by P. Lælius of rapine and oppression in his province of Asia, which was allotted to him from his prætorship. The defence consists chiefly in displaying the dignity of the criminal, and invalidating the credit of the Asiatic witnesses. Cicero observes, "That the judges, who had known and seen the integrity of Flaccus's life through a series of great employments, were themselves the best witnesses of it, and could not want to learn it of others, especially from Grecians: that, for his part, he had always been particularly addicted to that nation and their studies, and knew many modest and worthy men among them: that he allowed them to have learning, the discipline of many arts, an elegance of writing, a fluency of speaking, and an acuteness of wit: but as to the sanctity of an oath, they had no notion of it, knew nothing of the force and efficacy of it: that all their concern in giving evidence was not how to prove, but how to express what they said." [Might not the same, with truth, be said of Cicero's pleadings for the most part?]—"Whereas of the Roman witnesses, who were produced against Flaccus, though several of them came angry, fierce, and willing to ruin him, yet one could not help observing with what caution and religion they delivered what they had to say; and though they had the greatest desire to hurt, yet could not do it for their scruples:—That a Roman, in giving his testimony, was always jealous of himself, lest he should go too far; weighed all his words, and was afraid to let any thing drop from him too hastily and passionately; or to say a syllable more or less than was necessary."—One part of the charge against Flaccus was, for prohibiting the Jews to carry out of his province the gold which they used to collect annually, through the empire, for the temple of Jerusalem; all which he seized, and remitted to the treasury at Rome. The charge itself seems to imply, that the Jews made no mean figure in the empire; and Cicero's answer, though it betrays a great contempt of their religion, through his ignorance of it, yet shews, that their number and credit were very considerable at Rome. The trial was held near the Aurelian steps, a place of great resort for the populace, and particularly for the Jews, who used it, probably, as a kind of exchange, or general rendezvous of their countrymen: Cicero, therefore, proceeds to say, "It was for this reason, Lælius, and for the sake of this crime, that you have chosen this place, and all this crowd, for the trial: you know what a numerous band the Jews are; what concord among themselves; what a bustle they make in our assemblies.—I will speak softly, that the judges only may hear me; for there are people ready to incite them against me and every honest man; and I would not willingly lend any help to that design.—Since our gold, then, is annually carried out of Italy, and all the provinces, in the name of the Jews, to Jerusalem, Flaccus, by a public edict, prohibited the exportation of it from Asia: and where is there a man, judges, who does not truly applaud this act? The senate, on several different occasions, but more severely in my consulship, condemned the exportation of gold. To withstand this barbarous superstition was a piece therefore of laudable discipline; and, out of regard to the republic, to condemn the multitude of Jews, who are so tumultuous in all our assemblies, an act of the greatest gravity: but Pompey, it seems, when he took Jerusalem, meddled with nothing in that temple: in which, as on many other occasions, he acted prudently, that, in so suspicious and ill-tongued a people, he would not give any handle for calumny: for I can never believe, that it was the religion of Jews and enemies, which hindered this excellent general, but his own modesty." Then, after shewing, "that Flaccus had not embezzled or seized the gold to his own use, but transmitted it to the public treasury," he observes, "that it was not therefore for the sake of the crime, but to raise an envy, that this fact was mentioned; and that the accuser's speech was turned from the judges, and addressed to the circle around them: every city (says he), Lælius, has its religion; we have ours; while Jerusalem flourished, and Judea was at peace with us, their religious rites were held inconsistent with the splendour of this empire, the gravity of the Roman name, and the institutions of our ancestors: but much more ought they to be

Pro Flacc.
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very much frequented at home, and honourably attended abroad, and maintained his dignity, he says, not meanly, considering the general oppression; nor yet greatly, considering the part he had before acted.

The triumvirate, if we will believe Cicero (whom, I think, we cannot have any good reason to believe), came soon to be dreaded and detested by all ranks of men. "These affecters of popularity (says the orator) have taught even modest men to hiss. Bibulus, on the other hand, is extolled to the skies; though I know not why, unless he is thought to save the state, like Fabius, by doing nothing." This consul, from his retreat, was continually teasing the triumvirs by his edicts, in which he inveighed and protested against all their acts. "Bibulus (says Cicero) is exalted to heaven by men's love and admiration. People do nothing but transcribe and read his protests and harangues. He has attained to the summit of glory by a new way. Nothing is now so popular, so agreeable to the people, as invectives against our popular men. Wherever his edicts are fixed up in the streets, it is scarce possible to pass for the crowds which are reading them." And this common curiosity the orator would have pass for a demonstration, that the edicts were highly approved by the people in general.¹

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Ad Att.
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Ib. 2. 20.

Ib. 1. 2.
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21.

held so now; since they have let us see, by taking arms, what opinion they have of us; and, by their being conquered, how dear they are to the gods." He proceeds, in the last place, to shew, what he had intimated in the beginning, "that the real aim of this trial was to sacrifice those who had signalized themselves against Catiline, to the malice and revenge of the seditious."—He concluded by applying himself, as usual, to move the pity and clemency of the bench towards the person of the criminal, by all the topics proper to excite compassion; "the merit of his former services, the lustre of his family, the tears of his children, the discouragement of the honest, and the hurt which the republic would suffer, in being deprived, at such a time, of such a citizen."

¹ "The inclinations of the people (says Cicero) were shewn chiefly in the theatres and public shows.—In the Apollinarian plays, Diphilus, the tragedian, having spoken, in an insolent manner, some passages of his part, which were thought to hit the character of Pompey, was forced to repeat them a thousand times:

Ad Att. 1.
2. ep. 19.
Middl.
p. 308.

'Thou by our miseries art great——

The time will come when thou wilt wretchedly lament that greatness——

If neither law nor custom can restrain thee.'

At each of which sentences, the whole theatre made a mighty roaring and clapping. When Cæsar came in, he was received with but a dead applause: but when the

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Sueton. 19.

How just this inference is, we may gather from the following particular : the senate (seemingly) to put an affront upon Cæsar, as well as to leave him powerless at the expiration of his consulship, had assigned to the consuls of this year, instead of the government of rich provinces abroad, the care of the woods and the roads at home. At the motion of the tribune Vatinius, the people^m granted to Cæsar the government of Cis-

younger Curio, who followed him, appeared, he was clapped as Pompey used to be in the height of his glory. It is said, that Cæsar, offended at this, sent an account of it to Pompey, then at Capua."

[Nobody, who remembers what happened, in a late reign, at our theatre, when the tragedy of Cato was first acted, and these words were significantly sounded forth—

"When vice prevails, and impious men bear sway,
The post of honour is a private station,"

will infer any thing, concerning the sense and disposition of a nation, from such roarings and clappings as Cicero speaks of.]

Ep. 21.

Cicero, in another letter to Atticus, writes to this effect : "After sighing long in secret, and then groaning, all have, at last, begun to speak out, and complain loudly. Our friend, not accustomed to be reproached, but to be praised and extolled, is fallen into a dejection of mind, which shews itself in his countenance : he knows not which way to turn himself. He is sensible that he has proceeded too far, and that to recoil will expose him to the charge of inconstancy. The good [i. e. the fish-pond men, and their creatures and adherents] are his enemies, and even the wicked are not his friends. I could not refrain from tears, when I saw him, on the 25th of July, haranguing against the edicts of Bibulus. He, who never used to appear in the rostra but to speak magnificently of his own merit, and to be applauded, what a mean, abject figure did he make there, displeasing not only the audience, but himself! a spectacle agreeable to none but Crassus. For my own part, as Apelles or Protogenes would have been grieved to see one of their capital pieces besmeared with dirt, so it was a real grief to me to see the man, whom I had painted with all the colours of my art, become of a sudden so deformed : for, though nobody can think, since the affair of Clodius, that I have any reason to be his friend, yet my love for him was so great, that no injury could efface it."

Ep. 22.

In another letter—"I have nothing to say to you concerning the republic, but that all the world hates our present governors : and yet there is no hope of a change. Pompey, as you may easily believe, is not content with himself, and repents most heartily of what he has done. I cannot foresee what will be the issue of these things ; but certainly they seem to threaten some sudden calamity."

Ep. 23.

Again : "Our friend Pompey is thoroughly disgusted with his present situation, and wishes to be restored to that from which he fell ; he imparts to me his concern, and plainly asks me, What remedy?—I can see none."—Yet Cicero, in his second Philippic (when Pompey and Cæsar were both dead), had the confidence to assert, "that he used all arguments, and his utmost endeavours, in the consulship of the worthy Bibulus, to bring Pompey to a breach with Cæsar." [This does not well accord with the letter last cited. Dr. Middleton, however, places the two passages lovingly together, as if they were contiguous parts of one and the same discourse, or at least very near neighbours.] "But Cæsar was more successful, and drew Pompey quite away from him."

Middl.
p. 310.

—"Illud te scire volo, Sampsiceramum, nostrum amicum, vehementer sui status pœnitere ; restituique in eum locum cupere, ex quo decidit ; doloremque suum impertire nobis, et medicinam interdum aperte quærere ; quam ego possum invenire nullam." Ad Att. l. 2. ep. 23.

"Ego M. Bibulo, præstantissimo cive, consule, nihil prætermisi, quantum facere nique potui, quin Pompeium a Cæsaris conjunctione avocarem. In quo Cæsar felicius fuit : ipse enim Pompeium a mea familiaritate disjinxit." Philip. 2. 10.

Middl.
p. 313.

^m "This (says Dr. Middleton) was a cruel blow to the power of the senate, and a direct infringement of the old constitution, as it transferred to the people a right

alpine Gaul and Illyricum, with three legions, for the term of five years. This convinced the senate of their own impotence; so that when, on the death of Metellus Celer (suspected to be poisoned by his wife Clodia), the government of Transalpine Gaul became vacant, and Cæsar declared a desire to have that province added to the other, they themselves decreed it to him readily, together with a fourth legion, to prevent his recurring a second time to the people.

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Sueton. 22.
Cic. pro
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And now Cæsar, having considered that he should be long absent from Rome, that envy was stronger than friendship, and that, if he prospered in the war, Pompey might grow jealous of him, and depart from the political scheme concerted between them, concluded wisely, that no means would be so effectual to hold him fast as an alliance of affinity, formed by giving to him in marriage his daughter Julia, a beautiful and most accomplished young lady.ⁿ Nor did Cæsar fail of success in this measure; for Pompey became so enamoured of his amiable young wife, as to reduce all his politics (if we may believe Plutarch) to contrivances how he might amuse and entertain her in the most agreeable manner.

Dio, lib. 38.
p. 63.
Appian. de
B. C. p.
435.

It was, probably, about the same time,^o as well as which they had never exercised or pretended to before.” And, in support of this assertion, the doctor cites Cic. in Vatin. 15. “Eripuerit senatui provinciæ decernendi potestatem; imperatoris deligendi iudicium; ærarii dispensationem; quæ nunquam sibi populus Romanus appetivit, qui nunquam hæc a summi consilii gubernatione auferre conatus est.” How can this be reconciled with the fact of the Gabinian law, or with that of the people’s transferring to Pompey, by the Manilian law (passed through the persuasion of Cicero), the government of the provinces which had been assigned to Lucullus? Vid. supr. p. 305, 306. and vol. 3. b. 6. ch. 7. notes ^c and ^m.

ⁿ She had been promised to Servilius Cæpio, and therefore, to comfort him under his disappointment, Pompey’s daughter was now given him for a wife, who had been designed for Faustus Sylla.

^o It would be very difficult to ascertain the order of the transactions and events of this year, the ancient writers not agreeing in that point, even when they agree in the facts (which frequently they do not). Appian and Dio have placed the two marriages after the people’s grant of the province of Gaul to Cæsar, and have imputed both to the motive abovementioned. But Suetonius speaks of those marriages as prior to that grant, ascribing, in a great measure, the grant itself to the credit and influence of Cæsar’s father-in-law and son-in-law.—“Socero igitur generoque suffragantibus, ex omni provinciarum copia Gallias potissimum elegit,” &c. 22.

Plutarch marries Pompey to Julia presently after her father’s election to the consulship, and before his entering on that magistracy.

From the seventeenth and eighteenth epistles (lib. 2.) of Cicero to Atticus, it would seem that the marriage of Pompey with Julia, the passing of the Campanian and other laws proposed by Cæsar, and his obtaining the province of Gaul, were much about

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with the same view, of leaving behind him in the city powerful friends, who, during his absence, would, on all occasions, support him in his enterprises, that Cæsar himself married Calpurnia, the daughter of Calpurnius Piso, whom the triumvirs had fixed upon to be one of the next year's consuls. His colleague was to be Gabinius, a creature of Pompey's.

The aristocratic worthies, extremely alarmed at these marriages, and much dissatisfied with the new laws and regulations, used great freedom of speech on all those subjects in their private meetings and table conversation; and the younger Curio had even the boldness to declaim openly, and make loud invectives against the triumvirate in their proceedings.^p Those free discourses (which doubtless transpired), and the temerity of the brisk young man,^q together with the applauses and caresses he met with from the faction, seem to have brought Vettius once more upon the stage—that Vettius who had been Cicero's spy, informer, and witness, in the affair of Catiline's conspiracy. [*Vettius ille, ille noster index.*] This wretch, who had formerly accused Cæsar of being an accomplice with Catiline, now took it into his head to swear a plot upon the opposite faction, and particularly upon the younger Curio, whom he accused of being at the head of certain young nobles, who had combined to assassinate either Pompey or Cæsar, or both. Whether such a design had been really formed, or whether Vettius had been suborned to act the part he did,

Ad Att. 2.
24.
Vid. supr.
p. 524.

Ep. 17.

the same time. "Prorsus ut scribis, ita sentio. Turbatur Sampsiceramus [Pompeius.] Nihil est, quod non timendum sit. 'Ομολογουμένως τυραννίδα συσκευάζεται. [Aperte tyrannidem affectat.] Quid enim ista repentina affinitatis conjunctio, quid ager Campanus, quid effusio pecuniæ significat?" [meaning, by the last, the five years' tribute from the east, to be employed in purchasing lands for the poor.]

Ep. 18.

"A Cæsare valde liberaliter invitor in legationem illam, sibi ut sim legatus."

^p "Universa res eo est deducta, spes ut nulla sit, aliquando non modo privatos, verum etiam magistratus liberos fore. Hac tamen in oppressione, sermo, in circulis duntaxat, et conviviis, est liberior, quam fuit. Vincere incipit timorem dolor; sed ita, ut omnia sint plenissima desperationis." Ad Att. Ep. 18. lib. 2.

"Unus loquitur, et palam adversatur adolescens Curio. Huic plausus maximi, consalutatio forensis perhonorifica, signa præterea benivolentiæ permulta à bonis imperantur."—Ibid.

^q This young man's father, Scribonius Curio, had been consul in 677, and was a particular friend of Cicero's. The son was the orator's disciple.

is not to be cleared up by any thing we read in the ancient writers, who mention the disturbance he made by his information. What appears unquestionable is, that he was cast into prison upon his own confession of having, contrary to law, carried about him a dagger; that, in a very short time, he was there secretly dispatched, and his carcass thrown out into the street; and that no inquiry was made after the authors of his sudden death.

Suetonius, to the discredit and disgrace of himself as an historian, tells us, without any hesitation, “that Cæsar” [the distinguishing feature of whose character was nobleness of soul] “to strike a terror into all those of the opposite faction, engaged Vettius, by the force of bribes, to depose, that he had been solicited by certain persons to kill Pompey.” And he adds, “that Vettius having been produced in the rostra by Cæsar, to declare, according to their private agreement, the names of the delinquents; and having named two or three, without gaining credit, Cæsar, despairing of success in so rash an enterprise, took off the informer, it is thought, by poison [*intercepisse veneno indicem creditur*].”

If the historian had reported, that, when there was a great crowd in the Forum, Cæsar went thither in disguise to pick a pocket, it would have been as credible as the subornation and poisoning imputed to him. But, in order to reject this monstrous tale, we need not have recourse to Cæsar’s unvarying character of magnanimity and generosity. A very learned and ingenious modern, by no means partial to him, makes no scruple to contradict Suetonius so far as to say, “that there is not the least likelihood of Cæsar’s having set Vettius to work, for, had Cæsar been author of the project, it would have been better conducted.” And he observes, that Vettius’s naming, in his first deposition, Brutus,

^r Suetonius tells another senseless story of Cæsar, “That he stole, during his consulship, 3,000 pounds weight of gold out of the Capitol, putting the like weight of gilt copper in its place:” as if Cæsar would have wanted the resolution to seize the treasure openly, upon any urgent occasion.

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Suet. in
Jul. Cæs.
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Mong.
tom. 1.
p. 511.
513.

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the son of Cæsar's mistress Servilia, as concerned in the intended assassination, is a clear proof, that Cæsar did not suggest to the informer the matter of that deposition.^s

Plutarch makes no mention of this affair, except in his *Life of Lucullus*, where he tells us, "That the friends of Lucullus and Cato, having expressed a very sharp resentment of the insults which those two great men had suffered from the opposite faction, who had forcibly driven them out of the Forum, the partizans of Pompey produced a certain Bruttian [Vettius], whom they said they had apprehended lying in wait to kill Pompey: that Vettius, when examined before the senate, did not accuse Lucullus, but other persons, of having instigated him to the murder: but, when interrogated in an assembly of the people, he named Lucullus as the man who had hired him. Nobody gave credit to what he said, it being evident that he had been suborned: and people were confirmed in this persuasion, when, after a few days, the carcass of the accuser was seen lying at

^s Yet Cicero's English historian, having spoken of the great disaffection of the people to the triumvirs (which, I believe, appears no where but in Cicero's letters), goes on thus: "But, to give a turn to the disposition of the people, or to draw their attention, at least, another way, Cæsar contrived to amuse the city with the discovery of a new conspiracy to assassinate Pompey." And then relates the story, as it is told in a letter from Cicero to Atticus; after which, he adds, "But it happened in this, as it commonly does in all plots of the same kind, that the too great eagerness of the managers destroyed its effect: for, by the extravagance to which it was pushed, it confuted itself; and was entertained with so general a contempt by all orders, that Cæsar was glad to get rid of it by strangling or poisoning Vettius privately in prison, and giving it out that it was done by the conspirators." For this last fact, Cic. in *Vatin.* and Plut. in *Lucull.* are quoted: yet the orator, in his speech against *Vatinus*, charges him, not Cæsar, with the murder: and Plutarch, in speaking of *Vettius's* information, and of his death, never once names Cæsar.

M. Crevier, not less prejudiced than Dr. Middleton, against Cæsar, writes to this effect: "Young Curio, as I have said had rendered himself odious to Cæsar, by declaring against the triumvirate. Cæsar resolved to bring him and several others into trouble, by contriving to have a weighty charge brought against them, which would make a great noise. For this purpose he made use of that Vettius, by whom he himself had formerly been impeached, as an accomplice of Catiline."—Then comes the story as related by Cicero.—After which he says—"The imposture was too ill concerted to bear the light of a judicial inquiry. Cæsar apprehended the consequences of so senseless a calumny. One morning Vettius was found strangled in the prison. Such were the wages with which Cæsar paid the services of this villain. He would have thrown the suspicion of his death upon others; but nobody was deceived; and history" [not Cicero, nor even Suetonius, nor any other ancient writer] "charges him with this murder, horrible in all its circumstances. Cicero (adds M. Crevier, in a note) makes *Vatinus* author of the murder; but that was only a politic caution to avoid offending Cæsar."

the prison-door. It was indeed reported that he had killed himself; but the mark upon his neck of a halter, and the marks upon his body of blows, seem clearly to testify, that those who had suborned him had likewise dispatched him, that he might not reveal their crime.”

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Appian, after mentioning Cato's violent opposition to that part of Cæsar's Campanian law, which obliged the senators to swear to the observance of it, adds, “that Vettius, a man of the lower sort, ran suddenly into the midst of the crowd, brandishing a drawn dagger, and declaring aloud, that he had been suborned by Bibulus, Cicero, and Cato, to kill both Cæsar and Pompey, and that the dagger was given him by Posthumius, one of Bibulus's lictors. Cæsar, though the story had not much the air of truth, made advantage of it to exasperate the multitude, and he put off the farther inquiry into the informer's allegations till the next day; but Vettius was that very night killed in the prison. Various conjectures there were concerning the authors of his death. Cæsar charged it upon those whose guilty consciences made them afraid of a discovery; and he obtained the people's consent to his having a guard, that might defend him from such treacherous attempts.”

De B. C.
l 2. p. 434.

Cicero's account of the matter is in a letter to Atticus.

“In my letter by Numestius I pressed you to come hither with so much earnestness, that nothing could exceed it. Make more haste, if it be possible, than I there^t urged you to use. Do not, however, be alarmed at this (for I know you, and know, that love is always solicitous and anxious): the thing, I hope, will not be so bad in the event as in the report. Vettius, that Vettius who was my spy and informer, had promised Cæsar (as I have discovered) that he would contrive to make Curio, the son, fall under the suspicion of some criminal enterprise.

Lib. 2.
epist. 24.

^t “Si dormis, expergiscere; si stas, ingredere; si ingrederis, curre; si curris, advola.” Ad Att. 2. 23.

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Having, therefore, insinuated himself into an intimacy with the young man, and having had, as appears, many meetings with him, he went so far as to tell him in confidence, that he was determined to fall with his slaves upon Pompey, and kill him. Curio carried this to his father, who discovered it to Pompey.

“The matter was laid before the senate, and Vettius brought in. At first he denied that he ever had any conversation with Curio; but did not long persist in that. He requested to be admitted an evidence, which was readily granted. He then informed the house, that there was a plot formed by many of the young nobility, of whom Curio was the leader: that Paullus was engaged in it from the first, with Brutus also, and Lentulus, the son of the flamen, with the privity of his father: that the secretary of Bibulus had brought him a dagger from Bibulus himself. The senate laughed at this: that Vettius could not have been master of a dagger, unless the consul had given him one. Another circumstance helped to discredit the information with the house, which was, that, on the 13th of May, Bibulus had put Pompey on his guard against treachery, for which he had Pompey’s thanks. Curio was called in to answer to Vettius’s allegations, and soon confounded him upon one article, which was, that the young nobles had agreed to attack Pompey in the Forum, on the day when Gabinius gave his show of gladiators, and that Paullus was to be the leader in the attack; whereas, it appeared that, at that very time, Paullus was in Macedonia. The senate decreed, that Vettius, having confessed his wearing a dagger, should be laid in irons, and that whoever should set him free, should be deemed an enemy to his country. It was generally supposed, that the scheme was laid so, that Vettius should be taken in the Forum with a dagger, and the slaves likewise with arms; and that then he should request to be admitted an evidence: but the scheme was disconcerted, by the information which

Pompey received from Curio. The decree of the senate was read in an assembly of the people.

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“The next day, however, Cæsar, who, when prætor, had hindered Q. Catulus from ascending the rostra, produced Vettius there, brought him into that place where Bibulus the other consul durst not then appear. Here the fellow gave himself a loose to say what he pleased upon public matters. And now, first of all, he omitted Brutus in his deposition, whom, in the senate, he had charged most vehemently; which shewed, that he had been well schooled and instructed the night before. In the next place he named, as accomplices, men against whom he had not thrown out the most distant hint when examined in the senate, particularly Lucullus (who, he said, used often to send to him that Caius Fannius, who had been active in the impeachment against Clodius) and Lucius Domitius, from whose house, he said, the conspirators were to sally forth. He did not expressly name me, but said, that a fine-spoken consular, who lived in the neighbourhood of one of the consuls, had told him, that there was, at present, great occasion for an Ahala Servilius, or a Brutus. After the assembly had been dismissed, he was called back by Vatinius, and then added, that he had heard from Curio, that my son-in-law Piso and Marcus Laterensis were in the conspiracy.

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Vid. supr.
p. 524.

“Vettius is now accused before Crassus Dives upon the law *de Vi*. Should he be condemned, he will, without question, pretend to make new discoveries, and pray to be admitted an evidence; and, if this be granted, we shall have abundance of trials. Though I am not used to slight the smallest matter, I have no apprehension from all this.

“People express much affection for me; but so very full is every thing of wretchedness, that I am absolutely tired of my life,” &c. &c.

Dio Cassius gives us quite another story: he writes, “that Cicero and Lucullus, extremely displeased with

L. 38. p. 63.

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the proceedings of the triumvirs, formed a design, but without success, to take off both Cæsar and Pompey by the hand of Vettius.^u That Vettius, being discovered and apprehended before he could perpetrate the murder, named those who had employed him; and that, if he had not named Bibulus among the conspirators, it would have gone hard with the other two: but having accused Bibulus out of revenge for his having imparted the matter to Pompey, he fell under a suspicion of having given false evidence against Lucullus and Cicero, and of having been suborned to calumniate them. Various rumours concerning these things went about, and nothing certain was known. Vettius, when he was produced before the people, having named only those whom I have mentioned, was thrown into prison, and there, in a very short time, privately put to death.”

It is highly improbable, that Cicero (though, by inclination and principle, a murderer of all enemies to the usurped authority of the senate) was in any plot to assassinate Pompey; not only because on Pompey was his chief dependance for protection against Clodius, who of late had terribly threatened him; but because (if in any thing he may be credited) he ever loved Pompey personally, even when he hated his politics. Nevertheless, that a design to kill both Pompey and Cæsar had really been formed by the younger Curio, in concert with many of the young nobles (the *sanguinaria juventus*, of whom Cicero says, in ep. 7. of lib. 2. that, by the report of Curio to him, they had conceived a mortal enmity to Pompey:^x and would not bear the government

^u “Dio (says M. Mongault) is so ridiculous as to speak of this affair as a real conspiracy against Cæsar, as well as against Pompey, though Cicero, in this letter (the twenty-fourth of the second book) and in his invective against Vatinius, speaks only of Pompey.” The reader, perhaps, will smile at the reason here given for calling Dio ridiculous: for, surely, nothing which Cicero says on the subject, either in the letter or in the invective, can be decisive against Dio with regard to the point in question, if, as Dio reports, there was really an assassination-plot, and Cicero himself was in it.

^x “Una spes est salutis, istorum inter ipsos dissensio, cujus ego quædam initia sensi ex Curione.—Megabocchus [Pompeius] et hæc sanguinaria juventus inimicissima est.” L. 2. ep. 7.

of the proud kings,^y meaning the triumvirs), is a fact not without some foundation even in Cicero's letters, who frequently^z speaks of an extreme discontent, and even

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^y "Scito Curionem adolescentem venisse ad me salutatum. Valde ejus sermo de Publio [Clodio] cum tuis litteris congruebat. Ipse vero mirandum in modum 'reges odisse superbos.' Peræque narrabat incensam esse juventutem, neque ferre hæc posse. Bene habemus; nos, si in his spes est, opinor, aliud agamus. Ego me do Historiæ." Ep. 8. 393d consulship.

N. B. Cicero was at this time at Antium; and writes that he shall be at Formiæ the 21st of April; that he shall leave Formiæ the 1st of May, and be at Antium the 3d. That from thence he shall go to Tusculum, thence to Arpinum, and be at Rome the 1st of June.

^z "Video jam, quo invidia transeat, et ubi sit habitatura. Nihil me existimaris, neque usu, neque a Theophrasto didicisse, nisi brevi tempore desiderari nostra illa tempora videris, etenim si fuit invidiosa senatus potentia; cum ea non ad populum, sed ad tres homines immoderatos redacta sit, quidnam censes fore? Proinde isti licet faciant, quos volent, Consules, tribunos plebis, denique etiam Vatinii strumam sacerdotii δῖς ἀφω [bis tincta purpura] vestiant; videbis brevi tempore magnos non modo eos, qui nihil titubarunt, sed etiam illum ipsum, qui peccavit, Catonem." Ep. 9.

N. B. He had just before, in this letter, laid the blame, in a great measure, upon Cato, that the revolution in the government was so suddenly made; because Cato had, by his obstinacy in the affair of the knights' petition, alienated them from the senate.

—"In me incurrit Roma veniens Curio Meus. Suum, Memmi, Metelli Nepotis expromsit odium [in Cæsarem]. Complexus juvenem dimisi." Ep. 10. [Ed. Vulg. 12.] written when on his journey from Antium to Formiæ.

—"Qui fremitus hominum! Quam irati animi! Quanto in odio noster amicus Magnus!" Ep. 13. dated 19th of April. From Formiæ.

"Prorsus, ut scribis, ita sentio. Turbatur Sampsiceramus [Pompeius]. Nihil est quod non timendum sit. 'Aperte tyrannidem affectat.'—Quid enim ista repentina affinitatis conjunctio, quid ager Campanus, quid effusio pecuniæ significat? quæ si essent extrema, tamen esset nimium mali; sed ea natura rei est, ut hæc extrema esse non possint. Quid enim eos hæc ipsa per se delectare possunt? Nunquam huc venissent, nisi ad alias res pestiferas aditus sibi compararent. Dii immortales! verum, ut scribis, hæc in Arpinati a. d. vi. circiter Id. Maias non deslebimus, ne et opera et oleum philologiæ nostræ perierit; sed conferemus tranquillo animo." Ep. 17.

N. B. The foregoing letters were all written while Cicero was in the country. After his return to Rome, which (if he followed his own * intention, Ep. 8.) was the 1st of June, he gives an account to Atticus of the state in which he found the public affairs. * Vid. supr.

"Tenemur undique, &c. Scito nihil unquam fuisse tam infame," &c. Ib. 18.

—"Hoc opinor. Certi sumus perisse omnia.—Iis [edictis Bibuli] ardet dolore, et ira noster Pompeius," &c. Ib. 19.

"De republica breviter ad te scribam. Jam enim charta ipsa ne nos prodat, pertimesco. Itaque posthac, si erunt mihi plura ad te scribenda, ἀλληγορίαις obscurabo. Nunc quidem novo quodam morbo civitas moritur; ut cum omnes ea, quæ sunt acta, improbent, querantur, doleant, varietas in re nulla sit, aperteque loquantur, et jam clare gemant; tamen medicina nulla afferatur. Neque enim resisti sine internecione posse arbitramur: nec videmus, qui finis cedendi, præter exitiam, futurus sit. Bibulus hominum admiratione, et benevolentia, in cælo est; edicta ejus et conciones describunt et legunt. Novo quodam genere in summam gloriam venit. Populare nunc nihil tam est, quam odium popularium. Hæc quo sint eruptura, timeo.—Comitia Bibulus cum Archilochio edicto in ante diem xv. Kal. Novemb. distulit." Ib. 20.

"De repub. quid ego tibi subtiliter? Tota periit: atque hoc est miserius quam reliquisti, quod tum videbatur ejusmodi dominatio civitatem oppressisse, quæ jucunda esset multitudini, bonis autem ita molesta, ut tamen sine pernecie: nunc repente tanto in odio est omnibus, ut quorsum eruptura sit, horreamus: nam iracundium atque intemperantiam illorum sumus experti, qui Catoni irati omnia perdiderunt. Sed ita lenibus uti videbantur venenis, ut posse videremur sine dolore interire. Nunc vero sibilis vulgi, sermonibus honestorum, fremitu Italiæ, vereor ne exarserint. Equidem sperabam, ut sæpe etiam loqui tecum solebam, sic orbem reipub. esse conversum, ut vix sonitum audire, vix impressam orbitam videre possemus: et fuisset ita, si homi-

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raging anger in the minds of men of all ranks, that must speedily break forth in some violent manner, and produce a change in the state of things. "Let them [the triumvirs], says he, make what consuls and tribunes they please, you will very soon see great and in power, not only those [friends of the aristocracy] who have made no false step, but even Cato, who deserves reprehension."

Ib. 24.

The account, given by Cicero (in his letter to Atticus), of Vettius's affair, is by no means satisfactory: and there is the less reason to wonder at this, because he was not present when Vettius was examined by the senate, nor when, the next day, he made his deposition in an assembly of the people: for, at this critical juncture, Cicero attended none of the public councils, but confined himself wholly to pleading causes.^a He seems to have wrote to Atticus the very day of Vettius's appearing in the rostra, and before the business was quite hushed by the death of that informant, of whose death, though it is said to have happened the night following, he makes no mention; but writes, that he is to be tried before the prætor, Crassus Dives, for a breach of the law *de Vi*, in carrying about him a dagger. So that, when Cicero wrote that letter, he had probably received but a very imperfect relation of what had passed; nothing better, perhaps, than the lies of each of the two days. And this will appear the more probable, if we consider how very unlikely it is, even supposing Vettius himself to have invented all the matter of his infor-

nes transitum tempestatis expectare potuissent: sed cum diu occulte suspirassent, postea jam gemere, ad extremum vero loqui omnes et clamare cœperunt."

N. B. It is in this letter that Cicero mourns over Pompey, fallen (as he pretends) from the summit of glory into contempt, and speaks of the wretched figure he made the 25th of July, when haranguing against Bibulus's edicts. Vid. supr. p. 568.

Ep. 22.

—"De repub. nihil habeo ad te scribere, nisi summum odium omnium hominum in eos qui tenent omnia, mutationis tamen spes nulla. Sed, quod facile sentias, tædet ipsum Pompeium, vehementerque pœnitet. Non provideo satis quem exitum futurum putem. Sed certe videntur hæc aliquo eruptura."

^a "Rempublicam nulla ex parte attingimus. In causis atque in illa opera nostra forensi, summa industria versamur." Ep. 22. "Nos publicis consiliis nullis intersumus, tolosque nos ad forensem operam, laboremque contulimus." Ep. 23.

mation, that he ever charged Paullus with a design to assassinate Pompey in the Roman Forum, at a time when Paullus was in Macedonia, and nobody could be ignorant of his residence there, he being pro-quæstor of that province.

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Vide Pigh.

And likewise how unlikely it is, that Vettius should impute to Paullus the design of killing Pompey by the hands of the gladiators of Gabinius, who was Pompey's creature.

There are, in Cicero's story, other particulars which make it a very lame one :

Bibulus, on the 13th of May, gave Pompey warning to be upon his guard against insidious attempts. How came Bibulus to think that any such attempts were designed? Shall we say, that the elder Curio had imparted to him the intelligence which the younger Curio had received from Vettius? But then, why was no public notice taken of this murderous design for several months after the discovery? Cicero says not a word of the matter before that letter which speaks of the affair as then recent, and which seems to have been written in the beginning of October, or thereabout : for Cicero, in Ep. 23. after pressing Atticus most earnestly to come with all haste to Rome—"If you are sleeping, awake ; if you are standing still, come away ; if you are coming, run ; if you are running, fly ;"—he adds, "It is of great importance to me, that, if you cannot be here at the consular elections, you be here as soon as Clodius shall be declared tribune." The *comitia* for the elections, which used to be held in the end of July, or beginning of August, had, by an edict from Bibulus, been put off to the 18th of October. Ep. 24. Ep. 20.

It is manifest, therefore, that the notice, which Pompey received from Bibulus, of treacherous designs against his life, must have been prior, by many months, to the notice he received from the elder Curio, of Vettius's purpose to assassinate him, nor could relate to the

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same conspiracy; nor, consequently, be any proof of Vettius's imposture, in the tale he told to the senate, when examined there. Notwithstanding the friendly hint, which Bibulus sent to Pompey the 13th of May, it is very possible that the same Bibulus, before the month of October, might encourage a design to destroy him.

L. 2. Ep.
7. 8. 10.
[Ed. Vulg.
12.]

By some of Cicero's epistles, written in the month of April, from the country, to Atticus at Rome, it appears that the younger Curio, and other hot-headed, bloody-minded young nobles [*sanguinaria juventus*], had talked in a strain, as if determined not to bear the sovereignty of the triumvirate. Bibulus, apprehensive, perhaps, of their engaging in some rash and fatal enterprise, and not yet in despair of recovering^b Pompey to the interest of the senate, might, in order to oblige, or perhaps to frighten him, send him an intimation of dangers to which he was exposed.

But, between the 13th of May, when Pompey received that intimation, and the month of October, there might be a great change in the disposition of Bibulus, as there seems to have been in the face of things. In a letter, which Cicero, about the end of May, just before his return to Rome, sent to Atticus, he writes as if under a terrible alarm. "It is as you say, Pompey's head is turned. He aspires to the tyranny. What else can be the meaning of his sudden, unexpected marriage with Cæsar's daughter,^c &c.?" And in his next letter (written after his return to Rome, when Atticus was gone into Epirus), "We are all taken captive and bound, nor do we refuse to be slaves; we look upon death and

Ep. 16.

^b By one of Cicero's letters, it appears that Pompey disclaimed having any share in that insult which, in the end of April, Bibulus suffered from Vatinius's mob; and which was his pretext for shutting himself up in his house for the rest of the year. Vide supra, p. 558.

^c It has been already observed, that we have no guide for fixing, with any precision, the dates and order of the transactions of this year. But by this letter it would seem, that the marriage of Pompey with Julia, which gave a dreadful alarm to the aristocratic faction, was in the end of May. For this letter is the latest of Cicero's letters from the country, who came to town in the beginning of June.

banishment as greater evils than slavery, though indeed they are far less. Young Curio is the only man who speaks and opposes openly."

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In the next, "The republic is lost beyond recovery. —The edicts of Bibulus make Pompey flame with anger."

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19.

In the next, "Every body speaks out, and there is no variety of sentiment. —Bibulus, by a stinging edict, has put off the elections to the 18th of October."

20.

In the next, "The republic is ruined, totally ruined, and, in one respect, is in a worse condition than when you left us. For then the domination of our rulers was pleasing to the multitude, nor was it destructive to the better sort, though they did not relish it.^d But now, on a sudden, it is become so generally odious, that I dread the consequence. We have experienced the intemperate wrath of those, who, irritated by the opposition they met with from Cato,^e have overturned all things. At first they made use of such gentle and pleasant poisons, that it seemed as if we should be able to die without pain; but now, I fear, lest the hisses of the populace, the free discourses of the better sort, and the murmuring of all Italy, should provoke them even to rage."

21.

Whatever was the principal evil here complained of, it is evident from this letter, that, at the time when it was written, Bibulus and his faction thought themselves in a more desperate condition than they had been in the month of May preceding; and therefore, the friendly hint given by Bibulus to Pompey, on the 13th of that month, can be no proof, that Bibulus had the same friendly disposition towards him, when Vettius charged

^d — "Tum videbatur ejusmodi dominatio civitatem oppressisse, quæ jucunda esset multitudini, bonis autem ita molesta, ut tamen sine perniciē," &c.

^e M. Mongault thinks that the opposition, here spoken of, was to the law which gave to Cæsar the government of the two Gauls for five years: and that it was Cato's behaviour on this occasion, which provoked Cæsar to send him to prison. The ancient writers differ in this particular. If Cæsar was irregular in his manner of his pursuing his point, it is not to be doubted but Cato was as irregular in his method of opposition: he was no magistrate at this time. Vid. supr. p. 556.

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some of the leaders of the faction with an assassination-plot.

As to the secret which the younger Curio pretended to have learnt from Vettius, the proof of the fact resting wholly on the veracity of Curio, one of the persons accused, there is room sufficient to doubt the truth of it. Vettius, even after he had obtained from the senate a promise of pardon, does not confess a word of his having imparted that secret to Curio: instead of pretending that he himself, a contemptible wretch, had laid a plot to kill Pompey (which would indeed have been an incredible story), he charges the consul Bibulus, young Curio, and many of the discontented nobles, with having formed such a plot, in the execution of which he was to be employed. He alleged (according to Cicero's report), that the consul sent him a dagger: but who can imagine that, by this allegation, he meant to intimate, that he could not have been furnished with a dagger any other way? No, surely, his meaning could only be, that the consul gave him that token of his approving the design.

It would be difficult, perhaps, to collect any thing, which might be called probable, from this blind story. May we not, however, with some appearance of reason, conjecture that Vettius, who was, by trade, an informer and a witness, ready to be employed by any body who would hire him, and who had got money from Cicero, in the time of his despotism, for being a convenient evidence, imagined he had now a fair opportunity to get money from the present reigning powers, by swearing a plot upon their principal enemies. The sharp edicts of Bibulus, the loud declamations of Curio, the known hatred which Lucullus and Brutus bore to Pompey (the first for having robbed him of his glory, the second for having murdered* his father), were natural reasons for Vettius to constitute them chief leaders in the enterprise. Indeed, if he meant to make his court to Cæsar, it was a blunder to name Brutus among the

* Vid.
supr.
p. 247.

conspirators. This mistake he is said to have rectified in his deposition from the rostra: where, the next day after his examination by the senate, Cæsar produced him; not to do him honour, as is evident enough from the issue of the affair, but to expose to the people the baseness of the faction who had employed so infamous an impostor to accuse him of treason, and, upon the testimony of such a witness, would have taken away his life, and did actually take away the lives of many citizens. It does not appear by whose direction, or by whose hands, he was murdered; each faction accused the other of the deed; and neither of them made any inquiry about it.

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Cicero, in the close of that letter, in which he relates the affair of Vettius, writes as if it caused him no great anxiety; but he had been for some time, and was still under terrible apprehensions from Clodius, who threatened him with all the terrors of his tribunate; to which office he was elected without any opposition: and, in proportion as the danger approached, Cicero's apprehensions were every day more and more alarmed. The absence of his friend Atticus was an additional mortification to him: for Atticus, having a great familiarity with all the Clodian family, might have been of service, either in dissuading Clodius from any attempt, or, at least, in getting out of him what he really intended. Cicero pressed him, therefore, in every letter, to come back again to Rome. "If you love me (says he) as much as I am persuaded you do, hold yourself ready to run hither as soon as I call: though I am doing, and will do, every thing in my power to save you that trouble.—My wishes and my affairs require you: I shall want neither counsel, nor courage, nor forces, if I see you here at the time. I have reason to be satisfied with Varro: Pompey talks divinely.—How much do I wish that you had stayed at Rome! as you surely would have done, if you had imagined how things would

Middl.
p. 314.

Ad Att.
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Ad Att.
2. 19.

Ib. 18 et
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Plut. in Cic.

Ad Att.
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happen: we should easily have managed Clodius, or learnt, at least, for certain, what he meant to do. At present he flies about; raves; knows not what he would be at; threatens many; and will take his measures at last, perhaps, from chance," &c.

Cæsar, knowing the fright that Cicero was in, and having no desire to hurt him, but only to render him more tractable, and better disposed to bridle his tongue, than he had hitherto been, proposed expedients to him for his security: he had [as has been already mentioned] offered to put him into the commission for distributing the lands of Campania, with which twenty of the principal senators were charged: but, as it was an invitation only into the place of one deceased, and not an original designation, Cicero did not think it for his dignity to accept it.—Cæsar had likewise offered, in the most obliging manner, to make him one of his lieutenants in Gaul, and pressed it earnestly upon him; which was both a sure and honourable way of avoiding the danger; and what he might have made use of, so far only as it served his purpose, without embarrassing himself with the duty of it.^f Cicero, sensible of all this, was at first inclined to accept of the employment, and would have gone with Cæsar, if Clodius, perceiving himself in danger of missing his revenge, had not artfully changed his conduct, and, by speaking honourably of Cicero on all occasions, put on the appearance of having laid aside his resentment, and being disposed to a reconciliation. Cicero, weak enough to be deceived by this behaviour, and very unwilling (if it could be avoided), to owe the obligation of his safety to Cæsar, refused, after some hesitation, the lieutenancy:^g which

^f Cicero (as appears by Ep. 18.) was likewise offered a free legation, in order to go and accomplish some vow: but he thought that this would not sufficiently screen him from the attacks of Clodius; and it would hinder him from having the pleasure of seeing his brother, who was then on his way to Rome.

^g Though Cicero was so shy of accepting the offices of commissioner and lieutenant, it seems that he would have been very willing to accept of a place that became vacant by the death of Metellus Celer, in the college of augurs, if it had been offered him. "Tell me (says he in a letter to Atticus) every tittle of news that is stirring,

refusal so exasperated Cæsar, that he immediately abandoned him to the fury of Clodius; and of this Cæsar used afterward to lay the whole blame on Cicero himself, for slighting so obstinately the friendly offers which he made to him. Pompey, all this while, was giving Cicero the strongest assurances, confirmed by oaths and vows, that there was no danger; and that he would sooner be killed himself, than suffer him to be hurt; that both Clodius and his brother Appius had solemnly promised to act nothing against him; and, if they did not keep their word, that he would let all the world see, how much he preferred Cicero's friendship to all his other engagements. In Cicero's account of this to Atticus, "Varro (says he) gives me full satisfaction; Pompey loves me, and treats me with great kindness. Do you believe him? you will say. Yes, I do. He convinces me that he is in earnest.—Yet since all men of business, in their historical reflections, and even poets too in their verses, admonish us always to be upon our guard, not to believe too easily; I comply with them in one thing; to use all proper caution, as far as I am able; but for the other, find it impossible not to believe him."

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Ad Att.

9. 2.

Vell. Pat.

2. 45.

Ad Quint.

Fr. 1. 2.

Ad Att.

2. 20.

Ib. 32.

Ib. 20.

But whatever really passed between Clodius and Pompey, Cicero perceiving, that Clodius talked in a different strain to every body else, and denounced nothing but war and ruin to him, began to be very suspicious of Pompey; and prepared to defend himself by his genuine

Ad Att.

2. 20.

Ad Quint.

Fr. 1. 2.

and, since Nepos is leaving Rome, who is to have his brother's augurate: it is the only thing by which they could gain me. Observe my weakness! But what have I to do with such things, to which I long to bid adieu, and turn myself entirely to philosophy? I am now in earnest to do it; and wish that I had been so from the beginning."

His English historian will have it, that his inclination to the augurate, at this time, was nothing else but a sudden start of an unweighed thought; no sooner thrown out than retracted; and dropped only to Atticus, to whom he used to open all his thoughts with the same freedom, with which they offered themselves to his own mind: "For it is certain (adds the historian), that he might have had this very augurate, if he had thought it worth asking for;" that is to say, it is certain, that in a letter to Cato, written nine years after, to convince Cato that he had no vain glory, he writes thus: "I forbore offering myself as a candidate for the office of augur; though you are sensible, I dare say, that I might have succeeded without much difficulty."

Middl.

p. 319.

Ad Att.

8. 14.

Ep. Fam.

15. 14.

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forces, the senate and the knights, with the honest (as he calls them) of all ranks, who (he pretends) were ready to fly to his assistance from all parts of Italy. This was the situation of affairs, when Clodius entered upon the tribunate, where his first act was to put the same affront upon Bibulus, which had been offered before to Cicero, on laying down that office, by not suffering him to speak to the people, but only to take the accustomed oath.

END OF VOL. IV.

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